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

20 AUG 2007

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of
FRIBERG, et al.
Application No.: 11/663,257
PCT No.: PCT/SE05/01341
Int. Filing Date: 16 September 2005
Priority Date: 20 September 2004
Attorney Docket No.: 07156/LH
For: METHOD FOR QUALITY CHECKING A SCREW JOINT TIGHTENING PROCESS PERFORMED BY A TORQUE IMPULSE WRENCH

DECISION ON PAPERS

UNDER 37 CFR 1.42

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The declaration filed 19 July 2007 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 16 September 2005, applicant filed international application PCT/SE05/01341 which claimed priority to an earlier application filed 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. Pursuant to 37 CFR 1.495, the deadline for payment of the full, U.S. basic national fee was set to expire on 20 March 2007.

On 19 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 First Preliminary amendment.

On 19 July 2007, applicant filed the declaration discussed herein.

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 19 July 2007 was executed by Christa Karlberg as legal representatives of the estate of deceased inventor, Nils Gustav Erland Karlberg. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must at a minimum provide the citizenship of the deceased inventor, as well as, state the relationship of the signing individual to the non-signing inventor. While the declaration executed by Christa Karlberg does state that Ms. Karlberg is the legal representatives to the estate of the deceased inventor, the declaration provides only the residence, citizenship, and post office address for one individual, presumably the legal representative. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)(3). Applicant should also review 37 CFR 1.497(c) as an application data sheet has not been filed in the present application.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." 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

10 MAR 2008

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

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of :
FRIBERG, et al. :
Application No.: 11/663,257 :
PCT No.: PCT/SE05/01341 : DECISION ON PAPERS
Int. Filing Date: 16 September 2005 :
Priority Date: 20 September 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: 07156/LH :
For: METHOD FOR QUALITY CHECKING A SCREW JOINT TIGHTENING PROCESS PERFORMED BY A TORQUE IMPULSE WRENCH :

This decision is in response to applicant's filing of 09 October 2007 in the United States Patent and Trademark Office (USPTO). The response is being treated as a renewed request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 20 August 2007, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 09 October 2007, applicant filed the response discussed herein.

DISCUSSION

As detailed in the decision mailed 20 August 2007, 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."

Applicant's original declaration submitted on 19 July 2007 was deemed not to have satisfied the requirements under 37 CFR 1.497(b). Specifically, the declaration provided only the residence, citizenship, and post office address for one individual, presumably the legal representative. Accordingly, the declaration was not in compliance with 37 CFR 1.497(a)(3). Applicant has presently filed a declaration executed by Christa Karlberg as legal representative of

the estate of deceased inventor, Nils Gustav Erland Karlberg which lists the citizenship of both parties. As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 16 September 2005 and will be given a date of **09 October 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

DATE 8/20/07

APPLICATION NUMBER 11/663,257

DOC CODE PET.OUT.0286

DOC DATE 8/21/07

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

Copied from 11663757 on 03/25/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

20 AUG 2007

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of :
FRIBERG, et al. :
Application No.: 11/663,257 :
PCT No.: PCT/SE05/01341 : DECISION ON PAPERS
Int. Filing Date: 16 September 2005 :
Priority Date: 20 September 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: 07156/LH :
For: METHOD FOR QUALITY CHECKING A SCREW JOINT TIGHTENING PROCESS PERFORMED BY A TORQUE IMPULSE WRENCH :

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The declaration filed 19 July 2007 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 16 September 2005, applicant filed international application PCT/SE05/01341 which claimed priority to an earlier application filed 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. Pursuant to 37 CFR 1.495, the deadline for payment of the full, U.S. basic national fee was set to expire on 20 March 2007.

On 19 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 First Preliminary amendment.

On 19 July 2007, applicant filed the declaration discussed herein.

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."

Copied from 11663757 on 03/25/2008

The declaration submitted on 19 July 2007 was executed by Christa Karlberg as legal representatives of the estate of deceased inventor, Nils Gustav Erland Karlberg. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must at a minimum provide the citizenship of the deceased inventor, as well as, state the relationship of the signing individual to the non-signing inventor. While the declaration executed by Christa Karlberg does state that Ms. Karlberg is the legal representatives to the estate of the deceased inventor, the declaration provides only the residence, citizenship, and post office address for one individual, presumably the legal representative. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)(3). Applicant should also review 37 CFR 1.497(c) as an application data sheet has not been filed in the present application.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." 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

Copied from 11663757 on 03/25/2008

0 4 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of BUSCHMANN et al :
U.S. Application No.: 11/663,268 :
PCT Application No.: PCT/EP2005/010213 : DECISION
Int. Filing Date: 21 September 2005 :
Priority Date Claimed: 21 September 2004 :
Attorney Docket No.: 3519-0130PUS3 :
For: TETRODOTOXIN AND ITS DERIVATIVES . . . :

This is in response to applicant's "Petition Under 37 CFR 1.47(A)" filed 17 December 2007.

BACKGROUND

On 21 September 2005, applicant filed international application PCT/EP2005/010213, which claimed priority of an earlier United States application filed 21 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 30 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 21 March 2007.

On 20 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 17 December 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 declarations signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor. The declarations are improper for the following reasons. First, the declarations identify the second inventor as "Frank Hay Kong Shum", whereas the published international application identifies the second inventor as "Frank Haykong". Second, the declaration executed by Helmut Buschmann improperly references U.S. Application number 11/663,358 and international application number PCT/EP2005/010136 as the specification to which the declaration is directed. Third, the declaration executed by Frank Hay Kong Shum is an improper composite document which consists of page 1, which appears to be an original sheet, and page 2, which appears to have been transmitted by facsimile and later combined with page 1. Fourth, the declaration executed by Michel Hamon contains a non-initialed, non-dated alteration (see MPEP 602.01).

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration 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 certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventor Kim Noel Fischer could not be reached. However, the petition does not sufficiently illustrate that a diligent effort was made to locate Dr. Fischer. Although petitioner made attempts to contact Dr. Fischer by postal mail and telephone (see affidavit of Susan Lu, ¶¶7-13), the petition does not detail any efforts to reach Dr. Fischer by electronic mail, by searching telephone and Internet directories for a new telephone number and/or mailing address, and by contacting Dr. Fischer's former co-workers. Thus, it would not be reasonable to conclude at the present time that Dr. Fischer cannot be located after diligent effort.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states 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

0 8 JAN 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

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

In re Application of BUSCHMANN et al	:	
U.S. Application No.: 11/663,268	:	
PCT Application No.: PCT/EP2005/010213	:	DECISION
Int. Filing Date: 21 September 2005	:	
Priority Date Claimed: 21 September 2004	:	
Attorney Docket No.: 3519-0130PUS3	:	
For: TETRODOTOXIN AND ITS DERIVATIVES . . .	:	

This is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.47(a)" filed 04 November 2008.

BACKGROUND

On 21 September 2005, applicant filed international application PCT/EP2005/010213, which claimed priority of an earlier United States application filed 21 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 30 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 21 March 2007.

On 20 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 17 December 2007, applicant filed a petition under 37 CFR 1.47(a).

On 04 June 2008, this Office mailed a decision dismissing the 17 December 2007 petition.

On 04 November 2008, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

The present response includes declarations which overcome the objections noted in the 04 June 2008 decision. Furthermore, the response includes a declaration which is executed by the previously nonsigning inventor and which, accordingly, obviates treatment under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 21 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 November 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

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 & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of :
Tomohiro KIMURA, et *al.* :
Application No. 11/663,281 : DECISION GRANTING PETITION
Filed: March 20, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **4034-103** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 13, 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 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWREY, LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of
Jeffrey L. BOLDING, et al.
Application No. 11/663,312
Filed: September 26, 2007
Attorney Docket No. **BJSC.039U**

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 23, 2008.

The request is **DISMISS** as moot.

A review of the file record indicates that the power of attorney to HOWREY LLP has been revoked by the assignee of the patent application on January 15, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **ZARIAN MIDGLEY & JOHNSON, PLLC**
960 BROADWAY AVENUE, SUITE 250
BOISE, ID 83706

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

23 OCT 2007

JENKINS, WILSON, TAYLOR & HUNT, P.A.
3100 Tower Blvd, Suite 1200
Durham , North Carolina 27707

In re Application of:
HALLAHAN, Dennis, E.
U.S. Application No.: 11/663,314
PCT No.: PCT/US2005/033504
International Filing Date: 19 September 2005
Priority Date: 17 September 2004
Atty Docket No.: 1242/80 PCT/US
For: USE OF GSK3 INHIBITORS IN COMBINATION WITH RADIATION THERAPIES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 20 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" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicant has 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.

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 applicant's 20 March 2007 submission did not include an executed declaration in compliance with 37 CFR 1.497.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

26 NOV 2008

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

21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205

In re Application of :
TULK *et al* :
U.S. Application No.: 11/663,315 :
PCT No.: PCT/US2005/033781 :
Int. Filing Date: 20 September 2005 :
Priority Date: 20 September 2004 : **DECISION**
Attorney Docket No.: 61857US(49535) :
For: DISCHARGE LAMP HAVING :
SPECTRAL POWER DISTRIBUTION :
SHIFT AND METHOD OF MAKING :
THE SAME :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 22 August 2008.

BACKGROUND

On 22 January 2008, the Office 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 an oath or declaration and the surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 22 August 2008, applicants filed the subject response which was accompanied by, *inter alia*, a declaration signed by two of the four joint inventors on behalf of the nonsigning inventors; a $65.00 surcharge fee; a $200.00 petition fee; a five-month extension of time and fee; a statement of facts by Joshua L. Jones; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventors Donald L. Smith and Patricia Reykdal refuse to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventors cannot be located or refuse to cooperate; (3) a statement of the last known addresses of the nonsigning joint inventors; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors.

The $200.00 petition fee has been paid. Petitioners have shown that a complete copy of the subject application was sent to both nonsigning inventors on several different occasions. Petitioners also provided a copy of an email dated 02 June 2008 from both inventors which shows that the documents were received and constitutes a written refusal to cooperate as contemplated by section 409.03(d)(II) of the MPEP. The last known addresses of the nonsigning inventors was provided. An executed declaration signed by two of the four named inventors was submitted. This declaration meets the requirements of section 409.03(a) of the MPEP and complies with 37 CFR 1.497(a) and (b).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 September 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 22 August 2008.

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 and will be published in the Official Gazette.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

26 NOV 2008

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

Donald L. Smith
1062 W. Shoal Creek Lane
Tucson, AZ 85732

In re Application of
TULK *et al*
U.S. Application No.: 11/663,315
PCT No.: PCT/US2005/033781
Int. Filing Date: 20 September 2005
Priority Date: 20 September 2004
Attorney Docket No.: 61857US(49535)
For: DISCHARGE LAMP HAVING SPECTRAL POWER DISTRIBUTION SHIFT AND METHOD OF MAKING THE SAME

Mr. Smith:

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. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205

UNITED STATES PATENT AND TRADEMARK OFFICE

26 NOV 2008

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

Patricia E. Reykdal
1062 W. Shoal Creek Lane
Tucson, AZ 85732

In re Application of
TULK *et al*
U.S. Application No.: 11/663,315
PCT No.: PCT/US2005/033781
Int. Filing Date: 20 September 2005
Priority Date: 20 September 2004
Attorney Docket No.: 61857US(49535)
For: DISCHARGE LAMP HAVING SPECTRAL POWER DISTRIBUTION SHIFT AND METHOD OF MAKING THE SAME

Ms. Reykdal:

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. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205

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

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

Application Information

Application Number	11663328	Confirmation Number	6090	Filing Date	2007-03-19
Attorney Docket Number (optional)	JFC08307	Art Unit	3936	Examiner	Christopher Koehler
First Named Inventor	John M. Carraher				
Title of Invention	Rebar Fasteners Dispensing Gun and Method for its Use				

Attention: Office of Petitions

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

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

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

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

Given Name	Middle Name	Family Name	Suffix
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
John M. Carraher

Application No. 11663328
Filed: March 19,2007

Attorney Docket No. JFC08307

: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.

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.
11/663,334	03/21/2007	Shu Shimamoto	2224-0266PUS1	5959

2292 7590 06/04/2009

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
LAU, JONATHAN S	

ART UNIT	PAPER NUMBER
1623	

NOTIFICATION DATE	DELIVERY MODE
06/04/2009	ELECTRONIC

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

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

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

mailroom@bskb.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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

JUN 0 4 2009

In re Application of
Shu, Shimamoto
Application No. 11/663,334
Filed: March 21, 2007
Attorney Docket No. 2224-0266PUS1

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 28, 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 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:

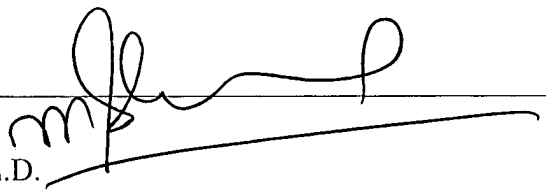
Examination of the U.S. application has already begun.

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
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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.
11/663,334	03/21/2007	Shu Shimamoto	2224-0266PUS1	5959

2292 7590 06/12/2009

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
LAU, JONATHAN S	

ART UNIT	PAPER NUMBER
1623	

NOTIFICATION DATE	DELIVERY MODE
06/12/2009	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):

mailroom@bskb.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

JUN 12 2009

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Shu, Shimamoto	:	DECISION ON REQUEST TO
Application No. 11/663,334	:	PARTICIPATE IN PATENT
Filed: March 21, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 2224-0266PUS1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 28, 2008, to make the above-identified application special.

The earlier decision of June 6, 2009 was mailed in error and is hereby vacated. A new decision is set forth below.

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 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 comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is currently with an examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

NOV 25 2009

OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of
Keith Frank Martin, et al.
Application No. 11/663,338
Filed: March 21, 2007
Attorney Docket No. LCM-604-803

ON PETITION

This is a decision in response to the petition, filed September 18, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 2, 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) was obtained. Accordingly, the application became abandoned on June 3, 2009. On September 18, 2009, the present petition was filed. A Notice of Abandonment was subsequently mailed on October 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 1627 for appropriate action by the Examiner in the normal course of business on the reply received September 18, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Takahashi et al.	:	DECISION ON PETITION
Application No. 11/663,340	:	TO WITHDRAW
Filed: August 24, 2007	:	FROM RECORD
Attorney Docket No. 081356-0276	:	

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 11, 2009.

The request is **APPROVED**.

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

The request was signed by Stephen A. Bent, on behalf of all practitioners 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.

The correspondence address of record remains unchanged.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/663,340	08/24/2007	Nobuaki Takahashi	081356-0276

CONFIRMATION NO. 6581

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000037570823

Date Mailed: 08/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/11/2009.

- 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

UNITED STATES PATENT AND TRADEMARK OFFICE

24 JUL 2008

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

23117
NIXON & VANDERHYE, P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of :
IKEBUKURO *et al* :
U.S. Application No.: 11/663,345 :
PCT No.: PCT/JP2005/017378 :
Int. Filing Date: 21 September 2005 : **DECISION**
Priority Date: 22 September 2004 :
Attorney Docket No.: GRT/159-107 :
For: LABELING ENZYME :

This decision is in response to the papers filed on 06 February 2008 which are treated as a petition under 37 CFR 1.42.

BACKGROUND

On 24 January 2008, the DO/EO/US mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Applicants were given two months to respond with extensions available.

On 06 February 2008, applicants submitted a response which included a declaration executed by three of the four named co-inventors and the legal representative of a deceased co-inventor.

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.

Here, applicants submitted a declaration executed by three of the four named inventors and by Kyoko Umezawa as legal representative of deceased co-inventor, Akira Umezawa.

The declaration provides the citizenship, residence and address of the legal representative required by 37 CFR 1.497(b)(2). Moreover, the required information for all inventors (including the deceased inventor) is recorded on the declaration.

The declaration is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The 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 21 September 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 06 February 2008.

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

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

LATIMER INTELLECTUAL PROPERTY LAW, LLP
P.O. BOX 711200
HERNDON VA 20171

MAILED

JUL 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Jeremy Oliver et al.	:	
Application No. 11/663,348	:	DECISION ON PETITION
Filed: March 21, 2007	:	
Attorney Docket No. SBG-101-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, August 26, 2009, which set a shortened statutory period for reply of three (3) months. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 27, 2010. A Notice of Abandonment was mailed on April 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of $405, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $310 extension of time fee submitted with the petition on May 4, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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

This application is being referred to Technology Center AU 2159 for appropriate action by the Examiner in the normal course of business on the reply received May 4, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 JUN 2008

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of BUSCHMANN et al :
U.S. Application No.: 11/663,358 :
PCT Application No.: PCT/EP2005/010136 : DECISION
Int. Filing Date: 20 September 2005 :
Priority Date Claimed: 22 September 2004 :
Attorney Docket No.: 3519-0130PUS4 :
For: TETRODOTOXIN AND ITS DERIVATIVES . . . :

This is in response to applicant's "Petition Under 37 CFR 1.47(A)" filed 17 December 2007.

BACKGROUND

On 20 September 2005, applicant filed international application PCT/EP2005/010136, which claimed priority of an earlier United States application filed 22 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 30 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 22 March 2007.

On 21 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 15 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 17 December 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 declarations signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor. The declarations are improper for the following reasons. First, the declaration executed by Helmut Buschmann improperly references U.S. Application number 11/663,268 and international application number PCT/EP2005/010213 as the specification to which the declaration is directed. Second, the declaration executed by Frank Hay Kong Shum is an improper composite document which consists of page 1, which appears to be an original sheet, and page 2, which appears to have been transmitted by facsimile and later combined with page 1. Third, the declaration executed by Michel Hamon contains a non-initialed, non-dated alteration (see MPEP 602.01).

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration 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 certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventor Kim Noel Fisher could not be reached. However, the petition does not sufficiently illustrate that a diligent effort was made to locate Dr. Fisher. Although petitioner made attempts to contact Dr. Fisher by postal mail and telephone (see affidavit of Susan Lu, ¶¶7-13), the petition does not detail any efforts to reach Dr. Fisher by electronic mail, by searching telephone and Internet directories for a new telephone number and/or mailing address, and by contacting Dr. Fisher's former co-workers. Thus, it would not be reasonable to conclude at the present time that Dr. Fisher cannot be located after diligent effort.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states 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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 NOV 2009

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

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

In re Application of BUSCHMANN et al	:	
U.S. Application No.: 11/663,358	:	
PCT Application No.: PCT/EP2005/010136	:	DECISION
Int. Filing Date: 20 September 2005	:	
Priority Date Claimed: 22 September 2004	:	
Attorney Docket No.: 3519-0130PUS4	:	
For: TETRODOTOXIN AND ITS DERIVATIVES . . .	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a)" filed 09 October 2008.

BACKGROUND

On 20 September 2005, applicant filed international application PCT/EP2005/010136, which claimed priority of an earlier United States application filed 22 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 30 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 22 March 2007.

On 21 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 15 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 17 December 2007, applicant filed a petition under 37 CFR 1.47(a).

On 09 June 2008, this Office mailed a decision dismissing the 17 December 2007 petition.

On 09 October 2008, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

The present renewed petition is accompanied by a declaration executed by the previously nonsigning inventor. The submission is a proper response to the decision mailed 09 June 2008.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 20 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 October 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

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

16 MAY 2007

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

In re Application of :
XIAMEN NEW TECHNOLOGY CO., LTD. :
U.S. Application No.: 11/663,368 :
PCT Application No.: PCT/CN2004/000852 :
Int. Filing Date: 23 July 2004 : DECISION
Priority Date Claimed: 28 July 2003 :
Attorney Docket No.: 1991.77697 :
For: A PAPER HONEYCOMB CORE :
COMPOSITE PANEL :

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 C.F.R. § 1.137(b)" filed 19 March 2007.

On 23 July 2004, applicant filed international application PCT/CN2004/000852, which claimed priority of an earlier China application filed 28 July 2003. Although the international application designated the United States, it did not list the name of the inventor pursuant to PCT Rule 4.1(a)(iv).

On 19 March 2007, applicant filed the present petition under 37 CFR 1.137(b) along with purported national stage papers.

35 U.S.C. 373 states in relevant part,

> An international application designating the United States, shall not be accepted by the Patent and Trademark Office for the national stage if it was filed by anyone not qualified under chapter 11 of this title to be an applicant for the purpose of filing a national application in the United States

35 U.S.C. 111(a)(1) provides that an application for patent shall be made by the inventor. In the present case, the international application was filed by Xiamen New Technology Integration Co., Ltd., an entity which is not qualified to be an applicant for the purpose of filing a national application in the United States, rather than by the inventor. Accordingly, the purported national stage papers will not be accepted by the USPTO.

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED AS MOOT.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

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

28 JUL 2009

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

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

In re Application of :
XIAMEN NEW TECHNOLOGY CO., LTD. :
U.S. Application No.: 11/663,368 :
PCT Application No.: PCT/CN2004/000852 :
Int. Filing Date: 23 July 2004 : DECISION
Priority Date Claimed: 28 July 2003 :
Attorney Docket No.: 1991.77697 :
For: A PAPER HONEYCOMB CORE :
COMPOSITE PANEL :

This is in response to applicant's "Renewed Petition to Revive Unintentionally Abandoned Application Pursuant to 37 C.F.R. § 1.137(b)" filed 05 June 2009.

BACKGROUND

On 23 July 2004, applicant filed international application PCT/CN2004/000852, which claimed priority of an earlier China application filed 28 July 2003. The thirty month deadline for entering the national phase in the United States expired on 30 January 2006 (28 January 2006 was a Saturday).

On 31 January 2006, international application PCT/CN2004/000852 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 March 2007, applicant filed a petition under 37 CFR 1.137(b).

On 16 May 2007, this Office mailed a decision dismissing the 19 March 2007 petition on grounds that international application PCT/CN2004/000852 did not name an inventor and thus entry in the U.S. national phase was not permitted.

On 05 June 2009, applicant filed the present renewed petition under 37 CFR 1.137(b).

DISCUSSION

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

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

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

With regard to item (3), the petition states, "The entire delay in filing the enclosed documents from the due date for the nationalization of this application until the filing of this 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. It is noted that the present renewed petition was filed over two years from the mailing of the 16 May 2007 decision. Furthermore, the renewed petition was filed just under two years from publication of the correction of inventorship in the international application. Applicant is required to explain in further detail how the abandonment could have been unintentional given the large amount of time that has passed since becoming aware of the issue regarding inventorship. Applicant is deemed to have been notified of the correction of inventorship as of the 12 June 2007 date of publication by the International Bureau.

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 renewed 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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 DEC 2009

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

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

In re Application of	:	
XIAMEN NEW TECHNOLOGY CO., LTD.	:	
U.S. Application No.: 11/663,368	:	
PCT Application No.: PCT/CN2004/000852	:	
Int. Filing Date: 23 July 2004	:	DECISION
Priority Date Claimed: 28 July 2003	:	
Attorney Docket No.: 1991.77697	:	
For: A PAPER HONEYCOMB CORE COMPOSITE PANEL	:	

This is in response to applicant's second renewed petition under 37 CFR 1.137(b) filed 28 October 2009.

BACKGROUND

On 23 July 2004, applicant filed international application PCT/CN2004/000852, which claimed priority of an earlier China application filed 28 July 2003. The thirty month deadline for entering the national phase in the United States expired on 30 January 2006 (28 January 2006 was a Saturday).

On 31 January 2006, international application PCT/CN2004/000852 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 March 2007, applicant filed a petition under 37 CFR 1.137(b).

On 16 May 2007, this Office mailed a decision dismissing the 19 March 2007 petition on grounds that international application PCT/CN2004/000852 did not name an inventor and thus entry in the U.S. national phase was not permitted.

On 05 June 2009, applicant filed a renewed petition under 37 CFR 1.137(b).

On 28 July 2009, this Office mailed a decision dismissing the 05 June 2009 petition.

On 28 October 2009, applicant filed the present second renewed 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.

Applicant has previously satisfied items (1), (2), and (4) above.

With regard to item (3), the requisite statement has been provided. Applicant's explanation regarding the length of the delay is accepted.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 July 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 March 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

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

30 SEP 2008

Craig Hallacher
Continental Teves, Inc.
One Continental Drive
Auburn Hills, MI 48326

In re Application of	:	
KUZEL *et al*	:	
Application No.: 11/663,387	:	
PCT No.: PCT/EP2005/054684	:	
Int. Filing Date: 20 September 2005	:	DECISION
Priority Date: 24 September 2004	:	
Atty. Docket No.: AP11020	:	
For: METHOD AND DEVICE FOR SUPPORTING A BRAKE...	:	

This is a decision on applicants' "PETITION FOR REVIVAL..." filed in the U.S. Patent and Trademark Office (USPTO) on 05 September 2008. The petition was accompanied by, *inter alia,* the requisite petition fee and a declaration of the inventors. The petition is **GRANTED** as discussed below.

The present application became abandoned as to the U.S. National Stage on 03 October 2007 for failure to file a response to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 03 August 2007.

A review of the application file reveals that applicants have satisfied the requirements of 37 CFR 1.137(b), and that the application satisfies the requirements under 35 U.S.C. 371 for entry into the national stage in the United States.

The application has an international filing date of 20 September 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **05 September 2008**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
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

24 APR 2008

Marjama Muldoon Blasiak & Sullivan LLP
250 South Clinton Street
Suite 300
Syracuse, NY 13202

In re Application of
BLEY et al.
Serial No.: 11/663,391 :
PCT No.: PCT/EP05/54110 :
Int. Filing Date: 19 September 2005 : DECISION
Priority Date: 22 September 2004 :
Atty. Docket No.: 327_114 :
For: LEAK TESTING METHOD AND :
LEAK TESTING DEVICE :

This decision is issued in response to applicant's "Response to Notice to File Missing Requirements under 35 U.S.C. 371" filed 19 October 2007, which is being treated as a petition under 37 CFR 1.181 to vacate the Notification of Missing Requirement mailed 24 September 2007.

BACKGROUND

On 19 September 2005, applicant filed international application PCT/EP05/54110 which claimed a priority date of 22 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. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 March 2007.

On 21 March 2007, applicant filed a transmittal letter (PTO-1390) for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a "substitute specification;" and an executed declaration.

On 24 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 the English translation of PCT/EP05/54110 was required. The notification set a two-month time limit in which to respond.

On 19 October 2007, applicant filed the present "Response to Notice to File Missing Requirements under 35 U.S.C. 371."

DISCUSSION

37 CFR 1.495(c)(1)(i) requires submission of a "translation of the international application, **as filed**, into the English language, if it was originally filed in another language" (emphasis added). In response to the Notification of Missing Requirements mailed 24 September 2007, applicant states that the "substitute specification" previously submitted on March 21, 2007 is an English translation of the application. However, the published international application (WO 2006/032591) has fourteen (14) claims whereas the "substitute specification" has twenty-eight (28) claims. (Claims 1-14 have been cancelled.) The Manual of Patent Examining Procedure §1893.01(d) states that "a translation that includes modification other than changes that have been properly accepted under PCT Rule 26 or 91 is unacceptable." Thus, the purported translation of the international application filed 21 March 2007 and 19 October 2007 are considered defective.

Because the failure to file the proper response does not appear to have been the result of an inadvertent omission (37 CFR 1.135(a)), applicant will not be accorded a new time period to correct the deficiencies in the response.

CONCLUSION

Applicant's request to vacate the Notification of Missing Requirements is **DISMISSED** without prejudice.

A proper response must be filed within **ONE MONTH** from the mail date of this decision and must include an English translation of the international application in compliance with 37 CFR 1.495(c)(1). No extensions of this time limit 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

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

MAILED

JUN 2 9 2010

OFFICE OF PETITIONS

DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of	:	
Otto EBNER et al.	:	
Application No. 11/663,394	:	DECISION ON PETITION
Filed: May 16, 2007	:	
Attorney Docket No. ZAHFRI P967US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 01, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 20, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 21, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1,620.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of August 20, 2009, is accepted as having been unintentionally delayed.

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

The application file is being referred to Technology Center AU 3655 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21 AUG 2007

Kenneth M. Kaslow
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of	:	
REDMOND	:	
U.S. Application No.: 11/663,397	:	DECISION ON PETITION
PCT No.: PCT/US02/00332	:	
Int. Filing Date: 02 January 2002	:	UNDER 37 CFR 1.137(b)
Priority Date: 02 January 2001	:	
Attorney Docket No.: PA4182US	:	
For: SYSTEM AND METHOD FOR PROVIDING LOAD BALANCED SECURE MEDIA CONTENT AND DATE DELIVERY IN A DISTRIBUTED....	:	

The petition to revive under 37 CFR 1.137(b) filed 20 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 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).

Regarding applicant's statement, the above-identified application has been abandoned for an extended period of time. The United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the 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. 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 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

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 an executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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

17 SEP 2007

KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS, CA 91360

In re Application of :
Buchanan :
Application No.: 11/663,416 :
PCT No.: PCT/US04/29434 :
Int. Filing Date: 07 September 2004 : DECISION
Earliest Priority Date: 05 September 2003 :
Attorney Docket No.: 142-26-010 :
For: Improved Obturators :

The petition to revive under 37 CFR 1.137(b) filed 20 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.

It is noted that the application file includes a copy of a declaration filed under PCT Rule 4.17(iv) which is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the United States Designated/Elected Office for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **20 March 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

10 DEC 2007

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

BARRY L. DAVISON
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE WA WASHINGTON 98101-1688

In re Application of:	:	
Tetzner, Reimo et al	:	DECISION
Application No.: 11/663420	:	
PCT Application No.: PCT/US05/21525	:	ON PETITION
Int. Filing Date: 17 June 2005	:	
Priority Date: 17 June 2004	:	UNDER
Atty Docket No.: 47675-218	:	
For:	:	37 CFR 1.137(b)
COMPOSITIONS AND METHODS FOR PREVENTING CARRY-OVER CONTAMINATION IN NUCLEIC ACID AMPLIFICATION REACTIONS	:	

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 20 March 2007 is **GRANTED**.

BACKGROUND

On 17 June 2005, applicant filed international application PCT/US05/21525. The international application designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 17 June 2004. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 17 December 2006.

On 20 March 2007, applicant filed the instant petition for revival accompanied by, *inter alia*, the petition fee under 37 C.F.R. 1.17(m) and, a statement that the entire delay was unintentional.

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 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 until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 17 June 2005 under 35 U.S.C. 363. The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Michael C. Zarroli
Detailee
Office PCT Legal Administration

Telephone: (571) 272-6094

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.
11/663,440	03/21/2007	Masaaki Minamoto	Q100554	7753

23373 7590 06/04/2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
GITOMER, RALPH J	

ART UNIT	PAPER NUMBER
1657	

MAIL DATE	DELIVERY MODE
06/04/2009	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

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

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

JUN 04 2009

In re Application of
Masaki Minamoto
Application No. 11/663,440
Filed: March 21, 2007
Attorney Docket No. Q10054

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 January 31, 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:

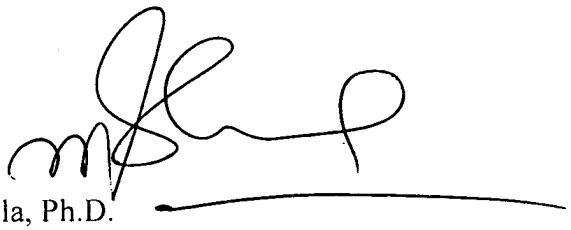
The applicant did not submit (i) a copy of the latest JPO office actions just prior to the "Decision to Grant" and (ii) a copy of the allowable/patentable claim(s) from the JPO application(s). The office has not been able to obtain the claims via the Dossier Access System.

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
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Felix Sanchez Sanchez

Application No. 11663510

Filed: January 25,2008

Attorney Docket No. 38548.00300US

: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 25-MAR-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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

MERCK
P O BOX 2000
RAHWAY, NJ 07065-0907

Mail Date: 06/04/2010

Applicant	: Ralph Laufer	: DECISION ON REQUEST FOR
Patent Number	: 7629140	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/663,587	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **277** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

19 FEB 2008

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

In re Application of ARAJO PRADO
Application No.: 11/663,613
PCT No.: PCT/ES05/00508
Int. Filing: 19 September 2005
Priority Date: 17 September 2004
Attorney Docket No.:15053.0053USWO
For: CULTURE MEDIUM FOR THE DETECTION OF CLOSTRIDIUM PERFRINGENS

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 26 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "abandonment and the delay, until the filing of this petition and the U.S. National Stage application was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

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 surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

21 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
TAKASE, Kenichi, et al.	:	
Application No.: 11/663,630	:	DECISION ON
PCT No.: PCT/JP2005/018090	:	
Int. Filing Date: 30 September 2005	:	PETITION
Priority Date: 04 October 2004	:	
Attorney Docket No.: TAKA3030	:	UNDER 37 CFR 1.181
For: MULTI-LAYERD POLYLACTIC ACID RESIN FOAMED BODY AND MULTI-LAYERED POLYLACTIC ACID RESIN FOAMED MOLDED ARTICLE	:	

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment," filed with the United States Patent and Trademark Office on 06 October 2008.

BACKGROUND

On 28 December 2007, the Office mailed Notification of Insufficient Fees (Form PCT/DO/EO/923) indicating that additional claim fees were required.

On 01 October 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned for failure to timely reply to the Notification of Missing Requirements mailed 28 December 2007.

On 06 October 2008, applicant submitted the instant petition to vacate the holding of abandonment.

DISCUSSION

Applicant asks that the Abandonment be vacated as applicant had provided an authorization to charge any required fees to deposit account no. 02-0200. A review of the file confirms applicant's assertion.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 01 October 2008, is **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for continued processing. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 23 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

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

23 OCT 2007

HOFFMAN WASSON & GITLER, P.C.
Crystal Center 2, Suite 522
2461 South Clark Street
Arlington, VA 22202-3843

In re Application of:
O'NEIL, Sean
U.S. Application No.: 11/663,664
PCT No.: PCT/IB2005/003104
International Filing Date: 20 September 2005
Priority Date: 24 September 2004
Attorney's Docket No.: A-10422
For: SUBSTITUTION BOXES

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Petition Under 37 CFR 1.47(b) To Accept The Filing As Complete" filed 23 March 2007. Applicant has submitted the required petition fee.

BACKGROUND

On 20 September 2005, applicant filed international application PCT/EP2005/003104. The application claimed a priority date of 24 September 2004, and it designated the United States. On 30 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., 24 March 2007.

On 23 March 2007, petitioner filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee and the petition under 37 CFR 1.47(b) considered herein. The petition requests acceptance of the application without the signature of inventor Sean O'Neil.

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 executed 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.

Regarding item (1), petitioner has submitted the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), where it is asserted that the inventor has refused to execute the application papers, section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states that 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 requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." In addition, the MPEP states that: "[w]hen it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted."

Here, the petition states that a "complete copy of the Application, a declaration and an assignment" were sent to the inventor at his last known address, and that no response was received. However, petitioner has provided no documentary support for this assertion. For example, the petition does not include copies of the cover letter used, or any evidence confirming delivery of the mailed materials. In addition, petitioner has not provided the required firsthand statement of facts from the person who sent the signature request and application materials to the non-signing inventor, as needed to confirm such mailing.[1] Petitioner has also failed to provide any evidence as to whether the address being used is a current address (for example, a delivery receipt signed by the inventor) or that a diligent effort has been made to locate a current address for the inventor.

Based on the above, the present petition does not include an adequate showing that the non-signing inventor has refused to execute the application or cannot be located after diligent effort. Item (2) is therefore not 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 therefore satisfied.

Regarding item (4), the petition does not include an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor (the declaration filed by petitioner is unsigned); see MPEP section 409.03(b). Item (4) is therefore not satisfied on the present record.

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

[1] If the person signing the petition is the person who forwarded the materials to the inventor, then an express statement confirming that this is the case is required.

> proprietary interest in the subject matter to justify the filing of the application.

Here, it appears that the 37 CFR 1.47(b) applicant is Synaptic Laboratories Limited (Synaptic), and the assertion of proprietary interest is based on a written agreement to assign (i.e., an employment agreement) between the inventor and Abigail Properties Limited (Abigail) and a series of subsequent assignments transferring Abigail's rights in the invention to Synaptic. 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 the employment agreement between the inventor and Abigail. However, petitioner has not provided a statement of a person having firsthand knowledge of the facts confirming that the invention was made by the employee during the course of his employment with Abigail 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 Abigail. Thus, although applicants have provided copies of subsequent assignments transferring Abigail's purported rights in the application to Synaptic, the petition does not include the required evidence confirming a chain of title from the inventor to the 37 CFR 1.47(b) applicant. In addition, the 37 CFR 1.47(b) applicant has not filed a proper statement under 37 CFR 3.73(b), as also required by MPEP section 409.03(f). 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 therefore not satisfied on the present record.

Regarding item (6), the petition includes the required express 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 under 37 CFR 1.47(b).

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 the remaining elements 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

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

27 MAR 2008

HOFFMAN WASSON & GITLER, P.C.
Crystal Center 2, Suite 522
2461 South Clark Street
Arlington, VA 22202-3843

In re Application of:	:	
O'NEIL, Sean	:	DECISION ON RENEWED
U.S. Application No.: 11/663,664	:	PETITION UNDER
PCT No.: PCT/IB2005/003104	:	37 CFR 1.47(b)
International Filing Date: 20 September 2005	:	
Priority Date: 24 September 2004	:	
Attorney's Docket No.: A-10422	:	
For: SUBSTITUTION BOXES	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 10 December 2007. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 23 October 2007, which dismissed the original petition under 37 CFR 1.47(b) for failure to satisfy all the requirements of a grantable petition.

On 10 December 2007, petitioner filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes documentary evidence to support the original petition's assertion that the inventor was provided with a request for signature, accompanied by a copy of the complete application, and had failed to provide the requested signature. Specifically, applicants have provided a copy of the cover letter sent to the inventor (which references the enclosed application), and Federal Express tracking information confirming that the letter was received by the inventor. These materials, in combination with the original petition, provide an acceptable showing that the non-signing inventor has refused to execute the application, satisfying the first outstanding element of a grantable petition.

The renewed petition also includes a declaration executed on behalf of the non-signing inventor by the CEO of the 37 CFR 1.47(b) applicant Synaptic Laboratories, Ltd ("Synaptic"). This declaration satisfies second outstanding element of a grantable petition.

The final element of a grantable petition is an adequate showing of the required proprietary interest of the 37 CFR 1.47(b) applicant. As noted in the previous decision, applicant's showing of proprietary interest in the original petition was defective in that it failed to include "a statement of a person having firsthand knowledge of the facts confirming that the invention was made by the employee during the course of his employment with Abigail." The renewed petition includes a statement from Ronald Kelson, identified as a director of Abigail Properties Limited (Abigail) and CEO of Synaptic. Mr. Kelson states that he "has firsthand knowledge of the Employment Agreement" between the inventor and Abigail and that he "is familiar with" the present patent application. Mr. Kelson then goes on to state that "the invention was developed in the course of Sean O'Neil's employment by Abigail Properties Limited and therefore falls within the scope of the Employment Agreement." However, Mr. Kelson does not state that he has the required firsthand knowledge regarding the determinative fact of whether the invention was developed by the inventor during the course of his employment (he only claims to have firsthand knowledge of the Employment Agreement itself). The statement provided is therefore not sufficient to confirm the proprietary interest of the 37 CFR 1.47(b) applicant. Petitioner must provide either a revised statement from Mr. Kelson making clear that he has firsthand knowledge that the invention was developed by the inventor in the course of the inventor's employment with Abigail, or a statement from some other person who has such required firsthand knowledge. Until such materials are provided, this final element of a grantable petition remains unsatisfied.

CONCLUSION

The renewed 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 "Second Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy the final element 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

UNITED STATES PATENT AND TRADEMARK OFFICE

30 MAY 2008

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

HOFFMAN WASSON & GITLER, P.C.
Crystal Center 2, Suite 522
2461 South Clark Street
Arlington, VA 22202-3843

In re Application of:	:	
O'NEIL, Sean	:	DECISION ON SECOND
U.S. Application No.: 11/663,664	:	RENEWED PETITION UNDER
PCT No.: PCT/IB2005/003104	:	37 CFR 1.47(b)
International Filing Date: 20 September 2005	:	
Priority Date: 24 September 2004	:	
Attorney's Docket No.: A-10422	:	
For: SUBSTITUTION BOXES	:	

This decision is issued in response to the "Second Renewed Petition Under 37 CFR 1.47(b)" filed 23 May 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 23 October 2007 and 27 March 2008, both of which dismissed the petition under 37 CFR 1.47(b) for failure to satisfy all the requirements of a grantable petition. The most recent decision identified the final outstanding requirement for a grantable petition as an adequate showing of proprietary interest by the 37 CFR 1.47(b) applicant. Specifically, petitioner was required to provide an acceptable statement confirming that the invention underlying the present application was made by the inventor during the course of his employment, and that the invention was therefore subject to terms contained in the inventor's employment agreement.

On 23 May 2008, petitioner filed the second renewed petition considered herein.

DISCUSSION

The second renewed petition includes a revised "Statement Of Ronald Kelson" which Expressly confirms that Mr. Kelson has firsthand knowledge that the invention was conceived and developed in the course of the non-signing inventor's employment with Abigail Properties Limited ("Abigail") and therefore falls within the scope of the inventor's employment agreement with Abigail. As noted in the earlier decisions, petitioner has previously provided an acceptable showing that Abigail subsequently transferred its interest in the invention to the 37 CFR 1.47(b) applicant, Synaptic Laboratories Limited ("Synaptic").

The present submission, in combination with the previously filed materials, provides an acceptable showing that Synaptic has the required proprietary interest in the present application.

Petitioner has therefore satisfied the final requirement for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**. The application is accepted without the signature of non-signing inventor Sean O'Neil.

A notice of the acceptance of the application under 37 CFR 1.47(b) will be published in the Official Gazette, and a letter informing the 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 forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 December 2007.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sean O'NEIL
Chateau de Lantheuil, 14480
Lantheuil Calvados
FRANCE

In re Application of: O'NEIL, Sean
U.S. Application No.: 11/663,664
PCT No.: PCT/IB2005/003104
International Filing Date: 20 September 2005
Priority Date: 24 September 2004
Attorney's Docket No.: A-10422
For: SUBSTITUTION BOXES

Dear Mr. O'NEIL:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join 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
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
Christopher J. McDonald
HOFFMAN WASSON & GITLER, P.C.
Crystal Center 2, Suite 522
2461 South Clark Street
Arlington, VA 22202-3843

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

BALLARD SPAHR ANDREWS & INGERSOLL, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Alfred Stracher, et al. :
Application No. 11/663,666 :
Filed: March 23, 2007 :
Attorney Docket No. 03288.0003U2 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 27, 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 D. Brian Shortell on behalf of all attorneys of record who are associated with customer No. 23859. All attorneys/agents associated with the Customer Number 23859 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

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

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

cc: ALFRED STRACHER
47 THE OAK
ROSLYN, NY 11576

cc: CEPTOR CORPORATION
462 SEVENTH AVENUE
SUITE 1200
NEW YORK, NY 10018

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/663,666	04/30/2008	Alfred Stracher	03288.0003U2

CONFIRMATION NO. 2088

POWER OF ATTORNEY NOTICE

23859
Ballard Spahr Andrews & Ingersoll, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

OC000000034875014

Date Mailed: 03/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/27/2009.

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

/amwise/

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

3 0 JAN 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

Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

In re Application of	:	
DEMATHELIN et al.	:	
Application No.: 11/663,689	:	DECISION
PCT No.: PCT/FR2005/002357	:	
Int. Filing Date: 22 September 2005	:	
Priority Date: 24 September 2004	:	
Attorney's Docket No.: NUSS 2 00002	:	
For: ROBOTIC POSITIONING AND	:	
ORIENTATION DEVICE AND NEEDLE HOLDER	:	
COMPRISING ONE SUCH DEVICE	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed 07 November 2008.

BACKGROUND

On 23 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, an Application Data Sheet (ADS) and a declaration of inventors. The Transmittal Letter and the declaration of inventors indicate the international application number as PCT/EP2005/002357. However, the title, the inventors, and the international filing date listed on the Transmittal Letter and declaration do not correspond to PCT/EP2005/002357. Additionally, the ADS identifies a different international application number (PCT/FR2005/002357).

On 07 July 2008, a Notification was mailed indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f) (the Notification incorrectly indicated the petition fee as that set forth in 37 CFR 1.17(h)), to correct the above-stated error regarding the international application number on the Transmittal Letter was required.

On 07 November 2008, applicant submitted the instant petition under 37 CFR 1.182. The petition fee of $400.00 has been charged to Deposit Account 06-0308.

DISCUSSION

A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/FR2005/002357**.

The declaration of inventors filed 07 November 2008 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) for filing the declaration later than thirty months from the priority date was paid on 07 November 2008.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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

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

16 AUG 2007

Mitchell P. Brook
Luce, Forward, Hamilton & Scripps LLP
11988 El Camino Real
Suite 200
San Diego, CA 92130

In re Application of :
TIRADO ALANIS, Juan Roberto :
Application No.: 11/663,692 : DECISION ON PETITION
PCT No.: PCT/MX05/00067 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 08 August 2005 :
Priority Date: 09 August 2004 :
Attorney Docket No.: 35246-1020 :
For: REINFORCED FILING BOX WITH SAFETY LOCK ON THE LID AND INTEGRATED CARDHOLDER

The petition to revive under 37 CFR 1.137(b) filed 22 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
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

05 SEP 2008

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

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 Fifth Ave., Suite 5400
Seattle, WA 98104

In re Application of
MAHONEY *et al*
Application No.: 11/663,695
PCT No.: PCT/US2005/000636
Int. Filing Date: 07 January 2005
Priority Date: 24 September 2004
Attorney Docket No.: 600057.437USPC
For: EXTENDED TREATMENT OF TUMORS THROUGH VESSEL OCCLUSION WITH LIGHT ACTIVATED DRUGS

DECISION

This decision is in response to the declaration submitted on 18 June 2008.

BACKGROUND

On 26 November 2007, 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) was mailed requesting a declaration in compliance with 37 CFR 1.497(a) and (b).

On 01 April 2008, applicant filed a declaration which was signed by all five named inventors. The third named inventor changed his last name from CROUSE to KROUSE and initialed the change. However, the third inventor was listed as CROUSE in the international application (PCT/US2005/000636). Moreover, there is no record of the third inventor's name being changed in the international application pursuant to PCT Rule 92*bis*.

On 21 May 2008, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) noting that the declaration filed 01 April 2008 was not in compliance with 37 CFR 1.497(a) and (b). The reason listed was that "The third inventor's last name is corrected on one of the five declarations, the other signed declarations has the spelling of the last name as published."

On 18 June 2008, applicants submitted a new declaration listing the third named inventor as Michael Alan KROUSE on each declaration.

DISCUSSION

The Form PCT/DO/EO/916 mailed 21 May 2008 incorrectly stated what the problem with the original declaration was. The declaration filed 01 April 2008 was not in compliance with 37 CFR 1.497(a) and (b) as applicants did not provide an explanation regarding the change of the name of the inventor from CROUSE to KROUSE.

If the third named inventor changed his name legally, a petition under 37 CFR 1.182 is required. *See* § 605.04(c), MPEP. If, on the other hand, the third named inventor has not legally changed his name, a new declaration signed using the name listed on the international publication for each inventor is needed, or counsel must provide an adequate explanation regarding the change such as a transliteration error. *See* § 201.03 MPEP.

DECISION

For the reasons noted above, the Form PCT/DO/EO/916 mailed 21 May 2008 is hereby **VACATED**.

As there is no time remaining in the Form PCT/DO/EO/905 mailed 26 November 2007, applicants must provide an adequate response within **ONE (1) MONTH** from the mail date of this communication. No extensions are available.

Failure to submit the required reply in the time allotted will result in the **ABANDONMENT** of this application.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Gerhard Koelle	: DECISION ON REQUEST FOR
Patent Number	: 7615987	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/663,719	: 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 **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

07 DEC 2007

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

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

In re Application of:
POTIN, Yves
U.S. Application No.: 11/663,764
PCT Application No.: PCT/EP2005/010203
International Filing Date: 21 September 2005
Priority Date: 24 September 2004
Attorney's Docket No.: 1033818-000289
For: TIRE WHOSE CROWN COMPRISES A CIRCUMFERENTIAL REINFORCING CORD DEFINING TENSION VARIATION ZONES

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182 To Correct International Number" filed 30 November 2007, which seeks to correct the international application number on the national stage application papers filed 26 March 2007 so as to allow such materials to be treated as the U.S national stage of PCT/EP2005/010203. Deposit Account No. 02-4800 will be charged the required $400 petition fee.

BACKGROUND

On 21 September 2005, applicant filed international application PCT/EP2005/010203. The international application claimed a priority date of 24 September 2004, and it designated the United States. On 30 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 March 2007 (24 March 2007 was a Saturday).

On 26 March 2007, applicant filed papers to initiate a U.S. national stage application. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), a preliminary amendment, a translation of the international application into English, an Information Disclosure Statement (IDS), a copy of the published international application, and payment of the basic national fee.

The Transmittal Letter, English translation, and IDS filed 26 March 2007 all referred to international application PCT/EP2005/055197. However, the preliminary amendment referred to international application PCT/EP2005/010203, and the copy of the published international application included with the submission was the publication of PCT/EP2005/010203.

On 17 May 2007, applicant filed an executed declaration and the surcharge for filing the declaration later than thirty months after the priority date.

On 30 November 2007, applicants filed the "Petition Under 37 CFR 1.182 To Correct International Number" considered herein to correct the inconsistency in the international application number referred to in the national stage papers filed 26 March 2007 so that such materials can be treated as the U.S. national stage of PCT/EP2005/010203.

DISCUSSION

As noted above, the Transmittal Letter filed 26 March 2007 incorrectly identified the international application to which the submission was directed as PCT/EP2005/055197. Based on this error, the submission was established in the USPTO as the U.S. national stage of the listed application, that is, PCT/EP2005/055197. Correction of this error is required before the materials filed 26 March 2007 can be treated as having been directed to international application PCT/EP2005/010203, as necessary to avoid abandonment of such international application with respect to the United States.

In the present petition, applicant confirms that the listing of international application PCT/EP2005/055197 in the Transmittal Letter and accompanying materials filed 26 March 2007 was incorrect, and that the correct international application is PCT/EP2005/010203. The petition also notes that the correct international application number was listed on the preliminary amendment filed 26 March 2007, and it is accompanied by payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the typographical errors in the materials filed 26 March 2007 so as to permit such materials to be treated as having been directed to international application PCT/EP2005/010203. Based on this correction, such materials, including the basic national fee, are treated as having been filed on 26 March 2007, prior to the expiration of thirty months from the application's priority date.

It is noted that the English translation of the international application filed herein indicates that it is an English translation of international application PCT/EP2005/055197. Based on the present petition, it is concluded that the reference to PCT/EP2005/055197 on the English translation is incorrect, and that these materials are in fact an English translation of PCT/EP2005/010203. Applicant must notify this Office if this is not correct, that is, if the English translation submitted herein is not an English translation of PCT/EP2005/010203.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to have the national stage application materials filed 26 March 2007 treated as the U.S. national stage of international application PCT/EP2005/010203 is **GRANTED**.

Deposit Account No. 02-4800 will be charged the required $400 petition fee.

The present application, U.S. application number 11/663,764 will be treated as the national stage of PCT/EP2005/010203.

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 updating USPTO records to indicate that the present application is the U.S. national stage of PCT/EP2005/010203.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 17 May 2007.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/25/10

Paper No.: —

TO SPE OF : ART UNIT 3729

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/663766 Patent No.: 7591068 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: Approved.

/Derris H. Banks/ AU 3729

UNITED STATES PATENT AND TRADEMARK OFFICE

06 AUG 2007

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

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

In re Application of	:	
HIRAI, Hiroki et al.	:	
Application No.: 11/663,770	:	DECISION ON
PCT No.: PCT/JP2005/017737	:	
Int. Filing Date: 27 September 2005	:	PETITION
Priority Date: 29 September 2004	:	
Attorney Docket No.: 131843	:	UNDER 37 CFR 1.182
For: BOARD CONNECTOR	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 18 May 2007.

BACKGROUND

On 27 September 2005, applicant filed international application PCT/JP2005/017737, claiming a priority date of 29 September 2004. A copy of the international application was transmitted to the Office by the International Bureau on 06 April 2006. The deadline for entry into the national stage in the United States is midnight 29 March 2007.

On 26 March 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee.

On 18 May 2007, applicant submitted a declaration of the inventors, accompanied by a petition under 37 CFR 1.182.

DISCUSSION

The fee for a petition under 37 CFR 1.182 is $400, not $130. The balance of the petition fee will be charged to deposit account no. 15-0461, as authorized. The international application and declaration both list the second inventor as Noritomo Okamura, but the declaration is executed by "Kenji Okamura."

Applicant has supplied a statement signed by Kenji Okamura stating that his name was incorrectly translated in the international application and he asks that his name be correctly reflected on the application. This is adequate explanation.

However, the oath or declaration must list the correct inventors. In this case, the declaration does not correctly list "Kenji Okamura". A oath or declaration in compliance with 37 CFR 1.497(a)-(b) listing the correct inventors, executed by Mr. Okamura is required.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

A proper response in the form of an oath or declaration in compliance with 37 CFR 1.497(a)-(b) executed by Mr. Kenji Okamura is required within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. 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.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

0 8 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of SOMEYA et al. Application No.: 11/663,773 PCT No.: PCT/JP05/17777 Int. Filing Date: 27 September 2005 Priority Date: 27 September 2004 Attorney Docket No.: 132016 For: PLANAR ELEMENT MODULE AND METHOD FOR MANUFACTURING THE SAME AND PLANAR ELEMENT DEVICE	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicant's "Petition under 37 CFR 1.182 For Change of Name of Inventor" to correct inventor Tsuyoshi Sekitani's name, filed in the United States Patent and Trademark Office on 07 December 2007.

On 26 March 2007, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee. On 18 June 2007, applicant filed an executed declaration.

On 02 June 2008, a Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b) was required as the fourth inventor Tsuyoshi Sekiya was identified on the published international application; however, the fourth inventor on the declaration was identified as Tsuyoshi **Sekitani.**

On 30 July 2008, applicant, in response to the Notification of Missing Requirements, filed a petition under 37 CFR 1.182 For Change of Name of Inventor along with a copy of the executed declaration of the inventors. The petition was accompanied by the statement of Tsuyoshi Sekitani regarding his correct legal name. The petition under 37 CFR 1.182 to change the inventor's name to Tsuyoshi Sekitani is **GRANTED**.

A review of the declaration reveals that the declaration is in the Japanese and English language. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. The declaration is not the USPTO form (PTO/SB/106) nor is it accompanied by a statement that the translation is accurate. Thus, the declaration as filed is unacceptable.

This application will be held in the PCT Legal Office, Office of PCT Legal Administration to await applicant's further reply.

Applicant has ONE (1) month from the mail date of this decision or the time remaining under the Notification of Missing Requirements within which to reply.

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

21 JAN 2009

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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
SOMEYA et al.	:	
Application No.: 11/663,773	:	DECISION ON
PCT No.: PCT/JP05/17777	:	
Int. Filing Date: 27 September 2005	:	DECLARATION
Priority Date: 27 September 2004	:	
Attorney Docket No.: 132016	:	
For: PLANAR ELEMENT MODULE AND METHOD FOR MANUFACTURING THE SAME AND PLANAR ELEMENT DEVICE	:	

This is a decision on applicant's "Statement of Accuracy of Translation" filed in the United States Patent and Trademark Office on 20 October 2008.

On 02 June 2008, a Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b) was required as the fourth inventor Tsuyoshi Sekiya was identified on the published international application; however, the fourth inventor on the declaration was identified as Tsuyoshi **Sekitani.**

On 30 July 2008, applicant, in response to the Notification of Missing Requirements, filed a petition under 37 CFR 1.182 For Change of Name of Inventor along with a copy of the executed declaration of the inventors. The petition was accompanied by the statement of Tsuyoshi Sekitani regarding his correct legal name.

On 08 October 2008, a decision on applicant's petition under 37 CFR 1.182 to change the inventor's name to Tsuyoshi Sekitani was granted. However, a review of the declaration revealed that the declaration was in both the Japanese and English language. Applicant was advised pursuant to 37 CFR 1.69(b), that the declaration must be accompanied by an English translation together with a statement that the translation is accurate.

On 20 October 2008, applicant filed a statement from the attorney of record that "the English-language text in the Declaration is an accurate translation of the Japanese-language text." Thus, the declaration as filed is now acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 30 July 2008.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

3 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of:
HOFLICH, Andreas, et al.
U.S. Application No.: 11/663,784
PCT No.: PCT/EP2005/010389
International Filing Date: 26 September 2005
Priority Date: 27 September 2004
Attorney Docket No.: Russell-4
For: USE OF IGFBP-2 IN SENESCENCE DISEASES AND FOR THE MAINTENANCE OF ORGAN FUNCTIONS

DECISION ON PETITIONS
(37 CFR 1.181, 1.137(b), and 1.182)

This decision is issued in response to the "Petition To Withdraw Holding Of Abandonment" and the "Petition To Change Inventor's Name Under 37 CFR 1.182" filed 29 July 2009, treated herein under 37 CFR 1.181, 1.137(b), and 1.182. Deposit Account No. 50-3355 will be charged the petition fees required for the petitions under 37 CFR 1.137(b) and 1.182; no petition fee is required for the petition under 37 CFR 1.181.

BACKGROUND

On 26 September 2005, applicants filed international application PCT/EP2005/010389. The international application claimed a priority date of 27 September 2004, and it designated the United States. On 06 April 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., 27 March 2007.

On 26 March 2007, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the large entity basic national fee and an unexecuted declaration.

On 09 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, additional claims fees, and additional sequence listing materials were required.

On 08 September 2008, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge and claims fees and an executed declaration.

On 24 February 2009, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that applicants' 08 September 2008 submission was defective because it did not include the required sequence listing materials and because the filed declaration was not in acceptable form. Specifically, the Notification stated that the declaration was defective because it included hand-written alterations and because the name of one of the inventors as listed on the declaration (Esther HESSEL) was not consistent with the name of record for this inventor (Esther BRAUNREUTHER).

Applicants did not file a response to the Notification Of Defective Response during the available response period. The application was therefore abandoned.

On 22 April 2009, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) confirming that the present application was abandoned for failure to file a proper response to the Notification Of Missing Requirements.

On 29 July 2009, applicants filed the "Petition To Withdraw Holding Of Abandonment" and the "Petition To Change Inventor's Name Under 37 CFR 1.182" considered herein.

DISCUSSION

1. Petition To Withdraw Abandonment (37 CFR 1.181)

The present petition indicates that applicants did not receive the "Notification Of Defective Response" (Form PCT/DO/EO/916) until 15 April 2009, more than a month after such Notification was mailed and after 15 May 2009 response deadline set forth in the Notification. Based on the late receipt of the Notification Of Defective Response, applicants request withdrawal of the holding of abandonment pursuant to 37 CFR 1.181.

MPEP section 710.06(I) sets forth the applicable procedure where, as applicants assert here, an Office communication is received by applicants after all or a substantial portion of the reply period has elapsed:

> The Office will grant a petition to restart the previously set period for reply to an Office action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:
>
> (A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;
>
> (B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g., at least 1 month of a 2- or 3-month reply period had elapsed); and
>
> (C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the

> date of receipt of the Office action at the correspondence address stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.

Here, the petition indicates that applicants received the "Notification Of Defective Response" (Form PCT/DO/EO/916) on 15 April 2009; thus, based on the procedures set forth in the MPEP, any request to reset the reply period based on the delayed delivery of the Notification was required to be filed by applicants no later than 29 April 2009 (i.e., two weeks after receipt of the Notification). The present petition was not filed until 29 July 2009, more than three months after applicants received the Notification and well after the expiration of the two week deadline set forth in the MPEP. Accordingly, resetting of the reply period for the Notification Of Defective Response based on applicants' late receipt of such Notification is not appropriate in the present case.[1]

Based on the above, applicants' petition under 37 CFR 1.181 requesting that the holding of abandonment be withdrawn based on the delayed receipt of the Notification Of Defective Response is appropriately dismissed.

2. Petition To Change Inventor's Name (37 CFR 1.182)

MPEP section 605.04(c) sets forth the requirements for a petition to change the name of record for an inventor as follows:

> 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. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. 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.

Based on the authorization contained in the present petition, Deposit Account No. 50-3355 will be charged the required $400 petition fee. In addition, the petition includes a copy (with English translation) of the German family registry and certificate of marriage confirming that the seventh inventor's name has changed from Esther BRAUNREUTHER to Esther HESSEL as a result of marriage. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for the seventh inventor from Esther BRAUNREUTHER to Esther HESSEL. The petition is therefore appropriately granted.

---

[1] It is noted that the petition procedure set forth in MPEP section 711.03(c)(I)(A) is inapplicable in the present circumstances. That section applies only where an applicant has not received an Office communication. In the present petition, applicant confirms that the Notification Of Defective Response was eventually received by applicants.

3. **Petition For Revival (37 CFR 1.137(b)**

The present submission indicates that, should the Office not grant the petition under 37 CFR 1.181 to withdraw the holding of abandonment, then the petition should be considered as a petition for revival of an unintentionally abandoned application under 37 CFR 1.137(b).

A grantable petition for revival under 37 CFR 1.137(b) 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).[2]

With respect to item (1), the "required reply" here is a proper response to the Notification Of Defective Response mailed 24 February 2009, that is, an oath or declaration in compliance with 37 CFR 1.497 and the necessary sequence listing materials. Applicants' 29 July 2009 submission included the required sequence listing materials and a revised declaration. The revised declaration does not contain handwritten alterations, resolving such defect in the previously filed declaration. In addition, as discussed above, applicants have submitted a grantable petition under 37 CFR 1.182 to change the name of record for the fifth inventor from Esther BRAUNREUTHER to Esther HESSEL (the name listed for this inventor on the filed declaration), resolving the inconsistency with respect to this inventor's name. In view of the above, the revised declaration is acceptable under 37 CFR 1.497. Thus, applicants have now submitted the "required reply" in the form of a proper response to the Notification Of Defective Response. Accordingly, item (1) of a grantable petition for revival is satisfied.

With respect to item (2), the present petition was accompanied by payment of the small entity petition fee of $810; however, applicants have not properly asserted small entity status in the present application (see 37 CFR 1.27). Applicants are therefore required to pay the large entity petition fee of $1,610. Pursuant to the authorization contained in the present petition, Deposit Account No. 50-3355 will be charged the additional $810 required to complete the applicable petition fee. In view of the above, item (2) of a grantable petition is satisfied.

With respect to item (3), the present petition does not include the required 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." Item (3) of a grantable petition is therefore not satisfied.

Based on the above, applicants have not satisfied all the requirements for a grantable petition for revival under 37 CFR 1.137(b). Accordingly, revival of the application is not appropriate on the present record.

[2] Item (4) does not apply to the present application.

CONCLUSION

The petition under 37 CFR 1.181 for withdrawal of the holding of abandonment based on applicants' delayed receipt of the "Notification Of Defective Response" mailed 24 February 2009 is **DISMISSED** without prejudice.

The petition under 37 CFR 1.182 to change the name of record for the fifth inventor from Esther BRAUNREUTHER to Esther HESSEL is **GRANTED**.

The petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

Deposit Account No. 50-3355 will be charged the additional $810 needed to complete the large entity petition fee applicable to the petition for revival under 37 CFR 1.137(b) and the $400 petition fee applicable to the petition under 37 CFR 1.182.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** of the mail date of the present decision and must be accompanied by the outstanding materials necessary to complete the requirements of a grantable petition (i.e., with respect to the petition for revival under 37 CFR 1.137(b), 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").

No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, 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

22 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of:	
HOFLICH, Andreas, et al.	
U.S. Application No.: 11/663,784	SUPPLEMENTAL DECISION ON
PCT No.: PCT/EP2005/010389	PETITION UNDER
International Filing Date: 26 September 2005	37 CFR 1.137(b)
Priority Date: 27 September 2004	
Attorney Docket No.: Russell-4	
For: USE OF IGFBP-2 IN SENESCENCE DISEASES AND FOR THE MAINTENANCE OF ORGAN FUNCTIONS	

This decision is issued as a supplement to the decision mailed herein on 03 September 2009. The decision mailed on 03 September 2009 granted applicants' petition under 37 CFR 1.182 to change the name of record for the fifth inventor from Esther BRAUNREUTHER to Esther HESSEL, and it dismissed without prejudice applicants' petitions to withdraw the holding of abandonment under 37 CFR 1.181 and for revival of the application under 37 CFR 1.137(b).

With respect to the petition for revival under 37 CFR 1.137(b), the 03 September 2009 decision indicated that applicants' had failed to satisfy all the requirements of a grantable petition. Specifically, the decision stated that applicants had failed to provide the required 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."

Upon further review, it is concluded that applicants' 29 July 2009 submission included an executed PTO/SB/64 petition form containing the required 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." Applicants' 29 July 2009 submission therefore included all the requirements for a grantable petition for revival under 37 CFR 1.137(b).

Based on the above, and on the decision mailed 03 September 2009, applicants' petition for revival of the present application under 37 CFR 1.137(b) is hereby **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 29 July 2009.

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

United States Patent and Trademark Office

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

26 NOV 2007

Thomas M. Galgano
Galgano & Associates
20 W. Park Avenue, Suite 204
Long Beach NY 11561

In re Application of :
Lee :
Application No.: 11/663,786 :
PCT No.: PCT/KR05/02776 :
Int. Filing Date: 23 August 2005 : DECISION
Earlier Priority Date: 24 August 2004 :
Attorney Docket No.: 1834-2 :
For: An Apparatus For Removing :
Impurity In Oil Using Air Cooler :

The petition to revive under 37 CFR 1.137(b) filed on 23 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 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 required reply in the form of the basic national fee, and has paid the petition 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.

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **23 March 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

01 JUN 2009

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

45473
BRINKS, HOFER, GILSON & LIONE
2801 Slater Road, Suite 120
Morrisville, NC 27560

In re Application of :
ROBERT *et al* :
U.S. Application No.: 11/663,795 :
PCT No.: PCT/EP2005/010155 :
Int. Filing Date: 16 September 2005 : **DECISION**
Priority Date: 29 September 2004 :
Attorney Docket No.: UMC.10027WOUS :
For: PROCESS FOR THE PRODUCTION :
OF GE BY REDUCTION OF GeCl4 :
LIQUID METAL :

This decision is in response to the "Request for a Corrected Filing Receipt" filed on 08 October 2008 which is treated as a petition under 37 CFR 1.181 and is **GRANTED** as follows:

An executed declaration was submitted on 01 April 2008. As such, the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements on the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and the "Filing or 371(c) Date" on the filing receipt mailed 10 September 2008 should be recorded as 01 April 2008, not 16 April 2008.

Accordingly, the Form PCT/DO/EO/903 and filing receipt mailed 18 December 2008 are both **VACATED**.

It is also noted that the title of the application should be corrected to Process for the Production of Ge by Reduction of $GeCl_4$ Liquid Metal.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for mailing a corrected Form PCT/DO/EO/903 and filing receipt.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

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

Mail Date: 04/20/2010

Applicant	: Koichiro Shinozaki	: DECISION ON REQUEST FOR
Patent Number	: 7647155	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/663,811	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **136** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

31 MAY 2007

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

D. Scott Hemingway
Hemingway & Hansen, LLP
1717 Main Street
Bank One Center - Suite 2500
Dallas, TX 75201

In re Application of :
LUNDBERG, et al. :
Application No.: 11/663,897 :
PCT No.: PCT/US04/31623 : DECISION ON PETITION
Int. Filing Date: 24 September 2004 :
Priority Date: 24 September 2004 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: VMCT 03169 PTUS :
For: RIDING FLOOR POLISHING AND GRINDING :
MACHINE FOR TREATING CONCRETE, :
TERRAZZO, STONE AND SIMILAR SURFACES:

The petition to revive under 37 CFR 1.137(b) filed 21 May 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. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 24 September 2004 under 35 U.S.C. 363 and will be given a date of **21 May 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

UNITED STATES PATENT AND TRADEMARK OFFICE

07 JAN 2009

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

PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK, NY 10036-8299

In re Application of BRÜGGENBROCK :
U.S. Application No.: 11/663,898 :
PCT Application No.: PCT/EP2005/009632 : DECISION
Int. Filing Date: 08 September 2005 :
Priority Date Claimed: 24 September 2004 :
Attorney Docket No.: 20496-559 :
For: METHOD AND DEVICE FOR :
PRODUCTION OF A LONGITUDINAL SEAM
WELDED HOLLOW PROFILE

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 April 2008.

BACKGROUND

On 08 September 2005, applicant filed international application PCT/EP2005/009632, which claimed priority of an earlier Germany application filed 24 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 April 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 March 2007.

On 23 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 23 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 24 July 2007, international application PCT/EP2005/009632 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 22 April 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

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

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

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

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 08 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 April 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

13 AUG 2009

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

23416
CONNOLLY BOVE LODGE & HUTZ, LLC
P.O. Box 2207
Wilmington, DE 19899

In re Application of :
PUZIO *et al* :
U.S. Application No.: 11/663,915 :
PCT No.: PCT/EP2005/0055023 : **DECISION ON**
Int. Filing Date: 23 September 2005 : **PETITION UNDER**
Priority Date: 24 September 2004 : **37 CFR 1.137(b)**
Docket No.: 13311-00022-US :
For: PLANT CELLS AND PLANTS WITH :
INCREASED TOLERANCE TO :
ENVIRONMENTAL STRESS :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 06 April 2009 is hereby **GRANTED** as follows:

The sequence listing provided with the subject petition was accepted. The petition fee has been paid. Applicants made 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 review of the application shows that the Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) mailed 18 May 2009 erroneously listed the priority date as 15 April 2003. The correct priority date is 24 September 2004.

Accordingly, the Form PCT/DO/EO/903 and filing receipt mailed 18 May 2009 are both hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office to send a corrected Form PCT/DO/EO/903 and filing receipt.

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

12 JUN 2007

Ronald R. Santucci
Frommer Lawrence & Huag LLP
745 Fifth Avneue
New York, New York 10151

In re Application of :
OTTESTAD, Nils :
U.S. Application No. 11/663,942 :
PCT No.: PCT/NO05/00358 :
Int. Filing Date: 27 September 2005 : DECISION
Priority Date: 27 September 2004 :
Attorney Docket No.: 930060-2014 :
For: PORTABLE BREATHING APPARATUS FOR DIVERS :

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 27 September 2005, applicant filed international application No. PCT/NO05/00358, which claimed a priority date of 27 September 2004. 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, 12 April 2007.

On 27 March 2007, applicant filed, through the law firm of Frommer Lawrence & Huag LLP, a transmittal letter for entry into the national stage in the United States (Form PTO-1390) which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and an unexecuted declaration. The submission, identifying international application no. PCT/NO05/00358, was assigned U.S. application number 11/663,942.

On 27 March 2007, applicant filed, through the law firm of Frommer Lawrence & Huag LLP, a second transmittal letter for entry into the national stage in the United States referencing the international application PCT/NO05/00358, which was accompanied by, *inter alia*, a second basic national fee; a copy of the international application; a preliminary amendment; and an unexecuted declaration. These papers were assigned U.S. application number 11/663,865.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/NO05/00358 (United States application numbers 11/663,942 and 11/663,865). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 11/663,942 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 11/663,942 is the application file that will continue to be processed as the national stage of PCT/NO05/00358. The second set of national stage materials filed on 27 March 2007 and originally assigned U.S. application number 11/663,865 will be placed in the present application file, and U.S. application number 11/663,865 will be discontinued.

Applicants should use application number 11/663,942 in all future communications with the United States Patent and Trademark Office (PTO). Application number 11/663,865 will be discontinued.

CONCLUSION

Application no. 11/663,942 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 11/663,865 into U.S. Application no. 11/663,942; (2) refund the filing fees of $450 paid in connection with the application number 11/663,865 to deposit account no. 50-0320; and (3) issue a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

Request for Legal Staff Consideration

11/663865

Serial No. 11/663942 In Palm Date : 5-10-07

Request : ☐ Petition To Revive Unintentionally Abn. Appl. ☐ Petition under Rule 1.47

☒ Other : Dup PCT No. used

Dup Application

Requestor : _____ Supervisor : _____

Response : _____ Response : _____

By : _____ Date : _____

RECEIVED

7 JUN 2007

Legal Staff
International Division

ERROR 1669

US Serial Number

ALREADY EXISTS FOR THIS **1A** NUMBER

SERIAL NUMBER: 1186342

This document contains trade secrets and proprietary information of IAP World Services, Inc. Disclosure of this publication is absolutely prohibited without express written permission of IAP World Services, Inc. © 2005. Uncontrolled copy of an on-line document.

IAP12 Rec'd PCT/PTO 27 MAR 2007

FORM PTO-1390 (REV. 1-2003) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 930060-2014
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371	U.S. APPLICATION NO. (If known see 37 C.F.R. 1.5)

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/NO2005/000358	**27 September 2005 (27.09.2005)**	**27 September 2004 (27.09.2004)**

TITLE OF INVENTION **A PORTABLE BREATHING APPARATUS FOR DIVERS**

APPLICANT(S) FOR DO/EO/US **Nils T. OTTESTAD**

Applicants herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as published
   a. ☒ is attached hereto (required only if not communicated by the International Bureau).
   b. ☐ has been communicated by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. ☐ is attached hereto.
   b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. ☐ are attached hereto (required only if not communicated by the International Bureau).
   b. ☐ have been communicated by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
   d. ☒ have not been made and will not be made.
8. ☐ A English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **(UNSIGNED)**
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Datasheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

    International Search Report; Written Opinion and check for $450

EXPRESS MAIL

Mailing Label Number: EM 051107377US

Date of Deposit: **March 27, 2007**

I hereby certify that this paper or fee is being deposited with the United States Postal Service

"Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Ronald R. Santucci

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

00439424

EXP. MAIL EM 051107377 US

IAP8 Rec'd PCT/PTO 27 MAR 2007

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 11663865	INTERNATIONAL APPLICATION NO. PCT/NO2005/000358	ATTORNEY'S DOCKET NO. 930060-2014

The following fees are submitted:		
21. ☒ Basic national fee **$300.00**	$300.00	
22. ☒ Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... **$100.00** All other situations **$200.00**	$200.00	
23. ☒ Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... **$100.00** International Search Report prepared and provided to the Office ..... **$400.00** All other situations **$500.00**	$400.00	
TOTAL OF 21, 22 and 23=	$900.00	
☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is **$250** for each additional 50 sheets of paper or fraction thereof. Total Sheets: 15- 100= / Extra sheets: 0/50= / Number of each additional 50 or fraction thereof (round up to a whole number): 0 / RATE: x **$250.00**	$0	
Surcharge of $130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	$0	

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	7- 20=	0	x	**$50.00**	$0
Independent claims	1- 3=	0	x	**$200.00**	$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	**$360.00**	$0

TOTAL OF ABOVE CALCULATIONS =	$900.00	
☒ Applicant claims small entity status. See 37 C.F.R. 1.27. The fees indicated above are reduced by ½.	$450.00	
SUBTOTAL =	$450.00	
Processing fee of **$130.00** for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +	$0	
TOTAL NATIONAL FEE =	**$450.00**	
Fee for recording the enclosed assignments (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **$40.00** per property +	$	
TOTAL FEES ENCLOSED =	$450.00	
	Amount to be refunded:	$
	Amount to be charged:	$

a. ☒ A check in the amount of $450 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of $_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **50-0320**. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **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.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Ldp10 Rec'd PCT/PTO 27 MAR 2007 SBASHEIR 0013305500
DAM:560320 Name/Number:11663865
FC: 9204 $450.00 CR

Ronald R. Santucci
Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

March 27, 2007

SIGNATURE

Ronald R. Santucci
NAME

28,988
REGISTRATION NUMBER

IAP13 Rec'd PCT/PTO 27 MAR 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Nils T. OTTESTAD
Serial No.	:	Not Yet Assigned
For	:	A PORTABLE BREATHING APPARATUS FOR DIVERS
Filed	:	
Int'l Appln. No.	:	PCT/NO2005/000358
Int'l Filing Date	:	27 September 2005 (27.09.2005)
Priority Filing Date	:	27 September 2004 (27.09.2004)
Examiner	:	Not Yet Assigned
Art Unit	:	Not Yet Assigned
Confirmation No.	:	Not Yet Assigned

745 Fifth Avenue
New York, New York 10151
212-588-0800

EXPRESS MAIL

Mailing Label Number: EM 051107377 US

Date of Deposit: March 27, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the **Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**

Ronald R. Santucci
(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Prior to the examination of the above referenced patent application, Applicant respectfully requests that the application be amended as follows:

Amendments to the Specification:

On page 1, after the title and before the line beginning "The invention relates to" please insert the following paragraph:

This is a 371 filing of International Patent Application No. PCT/NO2005/000358 filed September 27, 2005 and published on April 20, 2006 under publication number WO 2006/041304 A and claims priority benefits from Norwegian Patent Application No. 20044074 filed September 27, 2004.

Amendments to the Claims:

Please rewrite the claims as follows:

1. (Currently Amended) A portable semi-closed breathing apparatus for divers, having a circuit comprising a breathing bellows ~~(1)~~ connected to a pressure gas source ~~(2)~~ for the supply of breathing gas, a demand-controlled breathing valve ~~(20)~~, an actuator ~~(4)~~ for expansion and contraction of the breathing bellows ~~(1)~~ in step with the breathing pattern of the diver, a means ~~(5)~~ for compensation of consumed oxygen, and a means ~~(6)~~ for removal of CO_2 from the breathing gas, ~~characterised in that~~ wherein the actuator ~~(4)~~ is a cylinder/piston unit ~~(9, 10)~~ having a first chamber ~~(11)~~ connected to a source ~~(13)~~ for compensation gas, and a second chamber ~~(12)~~ connected to a valve means ~~(5)~~ arranged to supply compensation gas during the exhalation phase to the second chamber ~~(12)~~ under control of the breathing valve ~~(20)~~, the breathing valve affecting a gas flow modulating valve ~~(21)~~ having an inlet ~~(30)~~ connected to the source ~~(13)~~ for compensation gas, and an outlet ~~(31)~~ connected to the valve means ~~(5)~~, and the valve means ~~(5)~~ during the inhalation phase being arranged to deliver compensation gas to the circuit in precise proportion to the gas quantity inhaled by the diver, in that the valve means delivers the quantity of gas required to keep the pressure in the second chamber ~~(12)~~ at a preset level.

2. (Currently Amended) A breathing apparatus according to claim 1, ~~characterised in that~~ wherein the piston ~~(10)~~ is connected via a piston rod ~~(16)~~ to a bottom plate ~~(17)~~ arranged in the breathing bellows ~~(1)~~ and being dimensioned so that, in the inhalation phase, in cooperation with the prevailing pressures in the chambers ~~(11, 12)~~ of the cylinder ~~(9)~~ and the pressure- influenced piston surfaces, it produces a fixed overpressure of for example 0,1 bar in the interior of the breathing bellows ~~(1)~~.

3. (Currently Amended) A breathing apparatus according to claim 1 ~~or 2~~, ~~characterised in that~~ wherein the modulating valve ~~(21)~~ comprises a valve body ~~(34)~~ arranged to open and close a passage ~~(33)~~ between the inlet ~~(30)~~ and outlet ~~(31)~~ of the valve under the influence of the breathing valve ~~(20)~~, so that the quantity of compensation gas flowing through the modulating valve ~~(21)~~ is modulated in accordance with the breathing demand of the diver.

4. (Currently Amended) A breathing apparatus according to ~~one of the claims 1-3~~ claim 1, ~~characterised in that~~ wherein the valve means ~~(5)~~ comprises a change-over valve ~~(40)~~ arranged to cooperate with a pair of dump valves ~~(41, 42)~~, so that the flow of

compensation gas is alternately supplied to the second chamber ~~(12)~~ of the actuator ~~(4)~~ for expansion of the breathing bellows ~~(1)~~ and to the circuit ~~(3-8)~~ of the breathing apparatus, the change-over valve ~~(40)~~ comprising a switching unit ~~(55)~~ that is automatically switched when the inhalation mode is finished, so that compensation gas is allowed to flow from said second chamber ~~(12)~~ and into the circuit ~~(3-8)~~.

5. (New) A breathing apparatus according to claim 2, wherein the modulating valve comprises a valve body arranged to open and close a passage between the inlet and outlet of the valve under the influence of the breathing valve, so that the quantity of compensation gas flowing through the modulating valve is modulated in accordance with the breathing demand of the diver.

6. (New) A breathing apparatus according to claim 2, wherein the valve means comprises a change-over valve arranged to cooperate with a pair of dump valves, so that the flow of compensation gas is alternately supplied to the second chamber of the actuator for expansion of the breathing bellows and to the circuit of the breathing apparatus, the change-over valve comprising a switching unit that is automatically switched when the inhalation mode is finished, so that compensation gas is allowed to flow from said second chamber and into the circuit.

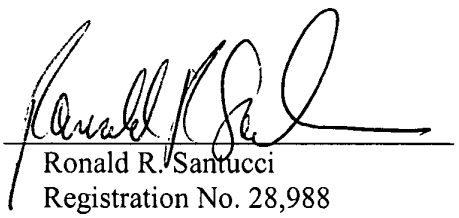
7. (New) A breathing apparatus according to claim 3, wherein the valve means comprises a change-over valve arranged to cooperate with a pair of dump valves, so that the flow of compensation gas is alternately supplied to the second chamber of the actuator for expansion of the breathing bellows and to the circuit of the breathing apparatus, the change-over valve comprising a switching unit that is automatically switched when the inhalation mode is finished, so that compensation gas is allowed to flow from said second chamber and into the circuit.

REMARKS

Consideration of the above application as preliminarily amended is respectfully requested. The specification has been amended to include the requisite reference to the international application and its priority application. In addition, the claims have been amended to remove the multiple dependencies and conform them to US practice. The multiple dependency in claim3 has been broken out into new claim 5 and the multiple dependency in claim 4 has been broken out into new claims 6 and 7. No new matter has been added.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
Ronald R. Santucci
Registration No. 28,988
(212)-588-0800

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
Tandbergs Patentkontor AS
Boks 7085
NO-0306 Oslo
Norge

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	18-01-2006
Applicant's or agent's file reference: 173996-BF	FOR FURTHER ACTION: See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/NO2005/000358	27-09-2005	27-09-2004

International Patent Classification (IPC) or both national classification and IPC
See Supplemental Box

Applicant
Ottestad Breathing Systems AS et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/SE	Authorized officer
Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM	Christer Jönsson/EK
Facsimile No. +46 8 667 72 88	Telephone No. +46 8 782 25 00

Form PCT/ISA/237 (cover sheet) (April 2005)

EXP. MAIL EM 051107377 US

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/NO2005/000358

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of: Cover sheet

INTERNATIONAL PATENT CLASSIFICATION (IPC):

B63C 11/24 (2006.01)
A62B 7/04 (2006.01)
B63C 11/18 (2006.01)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/NO2005/000358

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in electronic form.

      ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/NO2005/000358

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-4	YES
	Claims		NO
Inventive step (IS)	Claims	1-4	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO

2. Citations and explanations:

Documents cited in the International Search Report:
D1: US5619987 A (MATSUOKA)
D2: EP0922631 A1 (BEUX, CLAUDIO)
D3: NO171889 (NILS T. OTTESTAD)

The cited documents represent the general state of the art. The invention defined in claims 1-4 is not disclosed by any of these documents.
The cited prior art does not give any indication that would lead a person skilled in the art to the claimed portable semi-closed breathing apparatus for divers comprising a source for compensation gas, which gas is regulated by means of modulating valve connected to the breathing valve as stated in claim 1. Therefore, the claimed invention is not obvious to a person skilled in the art.
Accordingly, the invention defined in claims 1-4 is novel and is considered to involve an inventive step. The invention is industrially applicable.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 173996-BF	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/NO 2005/000358	International filing date *(day/month/year)* 27 Sept 2005	(Earliest) Priority Date *(day/month/year)* 27 Sept 2004
Applicant Ottestad Breathing Systems AS et al		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

   a. With regard to the **language**, the international search was carried out on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

   b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (see Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

   ☒ the text is approved as submitted by the applicant.

   ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

   ☒ the text is approved as submitted by the applicant.

   ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

   a. the figure of the drawings to be published with the abstract is Figure No. 1

   ☒ as suggested by the applicant.

   ☐ as selected by this Authority, because the applicant failed to suggest a figure.

   ☐ as selected by this Authority, because this figure better characterizes the invention.

   b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/NO 2005/000358

A. CLASSIFICATION OF SUBJECT MATTER

IPC: see extra sheet
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC: B63C, A62B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EPO-INTERNAL, WPI DATA, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5619987 A (MATSUOKA), 15 April 1997 (15.04.1997)	1-4
A	EP 0922631 A1 (BEUX, CLAUDIO), 16 June 1999 (16.06.1999)	1-4
A	NO 171889 C (NILS T OTTESTAD), 19 May 1993 (19.05.1993)	1-4

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
17 January 2006	18-01-2006
Name and mailing address of the ISA/ Swedish Patent Office Box 5055, S-102 42 STOCKHOLM Facsimile No. +46 8 666 02 86	Authorized officer Christer Jönsson/EK Telephone No. +46 8 782 25 00

INTERNATIONAL SEARCH REPORT

International application No.
PCT/ NO2005/000358

INTERNATIONAL PATENT CLASSIFICATION (IPC):

B63C 11/24 (2006.01)
A62B 7/04 (2006.01)
B63C 11/18 (2006.01)

US	5619987	A	15/04/1997	JP	2114328	C	06/12/1996
				JP	5085474	A	06/04/1993
				JP	8029752	B	27/03/1996
EP	0922631	A1	16/06/1999	NONE			
NO	171889	C	19/05/1993	DE	3631788	A,C	23/04/1987
				FR	2587297	A,B	20/03/1987
				GB	2182250	A,B	13/05/1987
				GB	8622371	D	00/00/0000
				IT	1200056	B	05/01/1989
				IT	8653849	V	18/09/1986
				IT	8667711	D	00/00/0000
				JP	2547548	B	23/10/1996
				JP	62110594	A	21/05/1987
				NO	863732	A	19/03/1987
				SE	464862	B,C	24/06/1991
				SE	8603916	A	19/03/1987
				US	4793340	A	27/12/1988
				DE	3631523	A	30/04/1987
				FR	2587437	A,B	20/03/1987
				GB	2181656	A,B	29/04/1987
				GB	8622411	D	00/00/0000
				IT	1195161	B	12/10/1988
				IT	8667707	D	00/00/0000
				JP	62116392	A	27/05/1987
				NO	169698	B,C	21/04/1992
				NO	863731	A	19/03/1987
				SE	464685	B,C	03/06/1991
				SE	8603887	A	19/03/1987
				US	4711263	A	08/12/1987

IAP13 Rec'd PCT/PTO 27 MAR 2007

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

(Under 37 CFR § 1.63; includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My mailing address and citizenship are as stated below next to my name.

I believe I am 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:

A PORTABLE BREATHING APPARATUS FOR DIVERS

the specification of which:

- ☐ is attached hereto
- ☒ was filed on _____ as:
- ☒ United States Application Serial No. _____
- ☒ as a National Phase or Continuation or Continuation-in-Part or Divisional of PCT Application No. PCT/NO2005/000358, filed September 27, 2005 and designating the U.S., and published as WO 2006/041304 A1 on April 20, 2006
- ☐ with amendments through _____ (if applicable, give details).

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, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)	Application Number:	Filed (Day/Month/Year)	Priority Claimed: Yes	Priority Claimed: No
Norway (NO)	20044074	27/09/2004	☒	☐
			☐	☐

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States application listed below:

_____ _____

(Application Number) (Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 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, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

U.S. Serial No.:	Filed (Day/Month/Year)	PCT Application No.	Status (patented, pending, abandoned)

I hereby appoint Ronald R. Santucci, Registration No. 28,988, and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

Ronald R. Santucci, Esq.
c/o FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Direct all telephone calls to: (212) 588-0800
to the attention of: Ronald R. Santucci

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.

INVENTOR(S):

Signature: _____ Date: _____

Full name of sole or first inventor:	Nils T. OTTESTAD
Mailing Address:	Lyngvn. 27 N-3118 Tønsberg, Norway
Citizenship:	Norwegian

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Junichi Amata	: DECISION ON REQUEST FOR
Patent Number	: 7592180	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/663,950	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **273** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

0 2 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

In re Application of KING et al :
U.S. Application No.: 11/664,018 :
PCT Application No.: PCT/US2005/034206 :
Int. Filing Date: 22 September 2005 : DECISION
Priority Date Claimed: United States :
Attorney Docket No.: B04-063-2US :
For: LOW-VOLTAGE MEMORY HAVING :
FLEXIBLE GATE CHARGING ELEMENT :

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 15 October 2008.

BACKGROUND

On 22 September 2005, applicant filed international application PCT/US2005/034206, which claimed priority of an earlier United States application filed 29 September 2004. The thirty-month period for paying the basic national fee in the United States expired on 29 March 2007.

On 27 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 22 January 2008, international application PCT/US2005/034206 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 01 October 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 15 October 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

With regard to item (1), applicant has not provided the required reply under 35 U.S.C. 371. In particular, the declaration submitted with the petition is improper. It is not acceptable to combine pages (e.g. signature pages) from different copies of a declaration into a single document for submission. Applicant must file either: (1) a single complete declaration which is presented to and executed by all of the inventors or (2) multiple complete declarations, wherein each inventor is presented with and executes at least one of the multiple complete declarations.

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.

Applicant is advised that 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.

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
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

27 JAN 2009

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

JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

In re Application of KING et al	:	
U.S. Application No.: 11/664,018	:	
PCT Application No.: PCT/US2005/034206	:	
Int. Filing Date: 22 September 2005	:	DECISION
Priority Date Claimed: United States	:	
Attorney Docket No.: B04-063-2US	:	
For: LOW-VOLTAGE MEMORY HAVING FLEXIBLE GATE CHARGING ELEMENT	:	

This is in response to applicant's "Request for Reconsideration" filed 11 December 2008, which is being treated as a renewed petition under 37 CFR 1.137(b).

BACKGROUND

On 22 September 2005, applicant filed international application PCT/US2005/034206, which claimed priority of an earlier United States application filed 29 September 2004. The thirty-month period for paying the basic national fee in the United States expired on 29 March 2007.

On 27 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 22 January 2008, international application PCT/US2005/034206 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 01 October 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 15 October 2008, applicant filed a petition under 37 CFR 1.137(b).

On 02 December 2008, this Office mailed a decision dismissing the 15 October 2008 petition.

On 11 December 2008, applicant filed the present renewed petition under 37 CFR 1.137(b) along with a newly executed declaration.

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.

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

With regard to item (1), the renewed petition includes the required reply under 35 U.S.C. 371 in the form of a proper declaration.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 December 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

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
11/664,055		SCALFARO,	DMB-2590-185

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

DATE MAILED: August 31, 2007

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) filed on August 10, 2007, 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:

- ☐ 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).
- ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (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.

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

0 8 APR 2008

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of	:	
BRKOVIC, et al.	:	
Application No.: 11/664,067	:	
PCT No.: PCT/NZ05/00159	:	DECISION ON PETITION
Int. Filing Date: 07 July 2005	:	
Priority Date: 07 July 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 4505-1056	:	
For: METHOD AND APPARATUS FOR PRODUCTING BLOCKS OF CHEESE	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed 29 March 2007 in the above-captioned application. The petition is hereby **DISMISSED** as follows:

The deadline for entering the United States and providing payment of the full, U.S. Basic National fee expired on 07 January 2007.

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.

An examination of the papers filed 29 March 2007 finds that with respect to item (1), applicant has provided payment of the full U.S. Basic National Fee thereby satisfying item 1.

With respect to item (2), applicant has paid the required petition fee. Item (2) is therefore satisfied.

A review of the filed papers does not find a petition contained therein. While applicant has provided payment of the fees described above and the transmittal letter filed 29 March 2007 lists a "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)" as items 23, a petition containing 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" does not appear to have been filed. As such, it is not possible to grant applicant's petition under 37 CFR 1.137(b) at this time. The application remains abandoned as to the United

States.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

17 APR 2008

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of	:	
BRKOVIC, et al.	:	
Application No.: 11/664,067	:	DECISION ON PETITIONS
PCT No.: PCT/NZ05/00159	:	
Int. Filing Date: 07 July 2005	:	UNDER 37 CFR 1.181 AND
Priority Date: 07 July 2004	:	
Atty. Docket No.: 4505-1056	:	37 CFR 1.137(b)
For: METHOD AND APPARATUS FOR PRODUCTING BLOCKS OF CHEESE	:	

This is a decision on the renewed petition for revival of the above-entitled application under 37 CFR 1.137(b), filed 17 April 2008. For the reasons discussed herein the petition is also being treated as a petition under 37 CFR 1.181 to accept the papers filed 17 April 2008 as having been filed 29 March 2007.

BACKGROUND

On 08 April 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 17 April 2008, applicant filed the petitions discussed herein.

I. Petition Under 37 CFR 1.181

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of the date-stamped postcard receipt. The postcard identifies the application by applicant, title and international application number and attorney docket number. The postcard is stamped "OIPE IAP97 Patent & Trademark Office MAR 29 2007." Among the items listed on the postcard is "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)" The postcard has not been annotated in any way to indicate that the petition was not received at the time of filing. As such, it is proper to **GRANT** applicant's petition under 37 CFR 1.181 to accept the copy of the petition presently filed as having been filed 29 March 2007.

II. Renewed Petition Under 37 CFR 1.137(b)

As detailed in the decision mailed 08 April 2008, 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 previously satisfied items 1 and 2 while item 4 does not apply.

With the filing of the present petition and accompanying papers applicant has satisfied the remaining item. The filing of the grantable petition under 37 CFR 1.181 perfects the presently filed statement of unintentional delay and it is therefore proper to grant applicant's renewed petition under 37 CFR 1.137(b) at this time.

Further, a review of the application file finds that applicant filed a compliant, combined declaration and power of attorney signed by the inventors on 30 May 2007 satisfying the last of the 35 U.S.C. 371 requirements.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 and renewed petition under 37 CFR 1.137(b) are **GRANTED**.

The application has an international filing date of 07 July 2005 under 35 U.S.C. 363 and will be given a date of **30 May 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 0 OCT 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168

In re Application of	:	
Yoichi NAKAMURA	:	
Application No.: 11/664,081	:	DECISION ON
PCT No.: PCT/JP05/018257	:	
Int. Filing Date: 28 September 2004	:	PETITION
Priority Date: 27 September 2005	:	
Attorney's Docket No.: F-9379	:	UNDER 37 CFR 1.181
For: HEAT EXCHANGER	:	

This decision is in response to the "PETITION UNDER 37 CFR 1.181," filed on 30 July 2008 requesting that a proper executed declaration was filed on 37 March 2008.

BACKGROUND

On 27 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), and a copy of the international application and a translation into English of the international application was provided with the transmittal letter. An improper declaration was submitted at such time but page 3 was blank and it was missing page 4..

On 09 July 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 applicants, 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... in that it: page number three of the declaration is blank or legible where the inventors name and signature should have been and page number four is missing. The notice indicated that all the items set forth above must be submitted within two (2) months from the date of this Notice or 32 months from the priority date of the application. Failure to properly respond will result in abandoned.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 09 July 2008, applicant filed an executed declaration with the USPTO on 37 March 2008. However, this application was missing page 4 of 4.

On 30 July 2009, applicant filed this petition indicating the present application has only a single inventor, rendering page 4 superfluous.

DISCUSSION

A review of the file indicates that the executed declaration indicates that it consists of four (4) pages, but only three pages were filed because petitioner states that there is only one inventor so page 4 was superfluous. Petitioner further states that the Japanese patent attorneys transmitted to the undersigned only the first three pages of the aforementioned Declaration form. However, it is unclear from the record with how pages of the declaration was applicant, Yoichi NAKAMURA, presented with? If Nakamura was presented with the four pages of the declaration by the Japanese patent attorneys then petitioner must submit the fourth page since this is the copy that the applicant saw and signed. However, if applicant was presented with only three pages of a four page declaration then petitioner must state so with an affidavit.

DECISION

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

A proper response must be filed within the time remaining in the response set forth in the Notification of Missing Requirements mailed on 09 July 2008. Extension of this time limit may be granted under 37 CFR 1.136 so that the period for response set in the Notification of Missing Requirements may be exte nded up to a maximum of five (5) months.

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) 273-0459

2 1 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
www.uspto.gov

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168

In re Application of	:	
Yoichi NAKAMURA	:	
Application No.: 11/664,081	:	DECISION ON
PCT No.: PCT/JP05/018257	:	
Int. Filing Date: 28 September 2004	:	PETITION
Priority Date: 27 September 2005	:	
Attorney's Docket No.: F-9379	:	UNDER 37 CFR 1.181
For: HEAT EXCHANGER	:	

This decision is in response to the "RENEWED PETITION UNDER 37 CFR 1.181," filed on 22 December 2008 requesting that a proper executed declaration was filed on 27 March 2007.

BACKGROUND

In a decision from this Office on 20 October 2008 the petition filed on 30 July 2008 was dismissed because it was unclear if the fourth page was presented to the inventor Nakamura.

On 22 December 2008, petitioner filed the instant renewed petition. Petitioner states the inventor Nakamura was presented with only three pages of the declaration.

DISCUSSION

A review of the petition indicates that Nakamura was presented with only three (3) pages of the executed declaration, and as such it was filed properly on 27 March 2007

DECISION

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

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date is **27 March 2007**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

17 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of	:	
EVRARD, Jean-Francois et al.	:	
Application No.: 11/664,130	:	
PCT No.: PCT/FR2005/002185	:	DECISION
Int. Filing Date: 01 September 2005	:	
Priority Date: 30 September 2004	:	ON PETITION UNDER
Docket No.: 2007_0467A	:	
For: DEVICE FOR EXTRACTING AT LEAST ONE GAS CONTAINED IN A DRILLING MUD AND ASSOCIATED ANALYSIS ASSEMBLY	:	37 CFR 1.181

This decision is in response to applicant's petition to reset the period for reply. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 21 December 2007, 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) and the surcharge for late filing search fee, examination fee or oath or declaration were required.

On 07 May 2008, applicants filed the instant petition.

DISCUSSION

A review of the petition indicates that applicants claim the Notification of Missing Requirements mailed on 21 December 2007 was never received by applicant. A copy of the Notification is being acted upon.

The showing required to establish nonreceipt of an Office communication is set forth in the notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*, 1156 O.G. 53 (Nov. 16, 1993). The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (3) have been satisfied. Practitioner states that the Notification of Missing Requirement was not received and has provided a copy of the docket records where the Notification would have been docketed had it been received and docketed for response.

Item (2) has not been satisfied. While practitioner states that the docket records were searched and they do not indicate that the Notification was received, practitioner did not attest to a search of the file jacket or equivalent.

As applicants have not established the non-receipt of the Notification of Missing Requirements, the fee for a three month extension of time is required and will be charged to deposit account no. 23-0975, as authorized.

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

12 NOV 2008

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

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of	:	
EVRARD, Jean-Francois et al.	:	
Application No.: 11/664,130	:	
PCT No.: PCT/FR2005/002185	:	DECISION
Int. Filing Date: 01 September 2005	:	
Priority Date: 30 September 2004	:	ON PETITION UNDER
Docket No.: 2007_0467A	:	
For: DEVICE FOR EXTRACTING AT LEAST ONE GAS CONTAINED IN A DRILLING MUD AND ASSOCIATED ANALYSIS ASSEMBLY	:	37 CFR 1.181

This decision is in response to applicant's renewed petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 22 July 2008.

BACKGROUND

On 17 July 2008, the Office mailed decision on petition under 37 CFR 1.181, dismissing applicant's petition without prejudice.

On 22 July 2008, applicants filed the instant renewed petition.

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; (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 (4) were previously satisfied. Practitioner states that the Notification of Missing Requirement was not received and has provided a copy of the docket records where the Notification would have been docketed had it been received and docketed for response.

Item (3) has now been satisfied.

The fee for a three month extension of time will be credited to deposit account no. 23-0975, as authorized.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

This application is being referred to the National Phase 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 07 May 2008.

/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

19 JUN 2009

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of FIELD	:	
Application No.: 11/664,143	:	
PCT No.: PCT/GB05/03335	:	DECISION ON
Int. Filing: 30 August 2005	:	
Priority Date: 02 September 2004	:	PETITION TO REVIVE
Attorney Docket No.:LSN-922-186	:	
For: BARRIER SYSTEM	:	UNDER 37 CFR 1.137(b)

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed 28 March 2007 in the above-captioned application and request for status filed 02 February 2009. The petition is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $150 has now been provided. The required petition fee of $750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The Notification of Acceptance mailed on 04 June 2009 remains in effect. The application is being forwarded to Art Unit 3671 and will be examined in due course.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Patent No. 7617040 :
Issue Date: 11/10/2009 :
Application Number: 11/664157 : DECISION ON PETITION
Filing or 371(c) Date: 03/29/2007 :
Attorney Docket Number: 08411.0065 :

This is a decision on the petition under 37 CFR 1.182, filed on March 5, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 756-1556.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Niomi Farmer, RSQ 09/D30-B (Fax No. 571-270-9753)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

JUN 30 2010

OFFICE OF PETITIONS

In re Application of :
Rapp et al. :
Application No. 11/664,177 :
Filed: March 29, 2007 :
Attorney Docket No. 2004P13817 (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 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

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

MERCK
PO BOX 2000
RAHWAY NJ 07065-0907

MAILED

JUL 07 2010

OFFICE OF PETITIONS

In re Application of :
LINDSLEY et al. :
Application No. 11/664,190 : ON APPLICATION FOR
Filed: 03/28/2007 : PATENT TERM ADJUSTMENT
Docket No. MRL-NOP-21590P-US-PCT :

This is in response to 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 March 8, 2010. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred sixteen (116) days to one hundred eighteen (118) days.

The application for patent term adjustment is **DISMISSED**.

On December 29, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 116 days. On March 8, 2010, applicants timely submitted the instant application for patent term adjustment.[1]

Applicants dispute the calculation of the period of adjustment under 37 CFR 1.703(a)(1). Specifically, applicants assert:

> The Office mailed a Restriction Requirement on September 5, 2008. The Office incorrectly awarded a patent term adjustment of 98 days under 37 C.F.R.

[1] PALM records indicate that the issue fee payment was received on March 26, 2010.

> § 1.703(a)(1) based on a period beginning on the day after the date that is May 30, 2008, which is 14 months from the expiration of the 30-month time limit under PCT Article 22(1), or March 30, 2007, and ending on the mailing of the action under 35 U.S.C. § 132 on September 5, 2008.
>
> For national stage applications, 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1) state that the 14-month period is calculated from the "date on which the application ... fulfills the requirements of 35U.S.C. 371." For the present application that date was March 28, 2007, which is the date Applicants filed all the necessary requirements under 35 U.S.C. § 371(c). Consequently, the correct fourteen month period under 37 C.F.R. § 1.703(a)(1) ended May 28, 2008. The mailing of the action under 35 U.S.C. § 132 on February 5, 2008 should have resulted in a patent term adjustment under 37 C.F.R. § 1.703(a)(1) of **100** days.
>
> The language of 37 C.F.R. § 1.703(a)(1) is expressly distinguished from 37 C.F.R. § 1.703(b) which calculates the period of adjustment based on the date on which the national stage commenced under 35 U.S.C. 371(b) or (f).

Request, 03/08/10, pp. 1-2.

The Office has considered applicants' argument, but finds it without merit. Pursuant to 37 CFR 1.702(a):

> Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
>
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

Pursuant to MPEP 1893.03(b),

> The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903), a copy of which is reproduced in MPEP § 1893.03(a), indicates the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements, and it also indicates the date of completion of all 35 U.S.C. 371 requirements.
>
> * * *
>
> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the USPTO has failed to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:
>
> (A) the date of submission of the basic national fee;
>
> (B) the date of submission or communication of the copy of the international application;
>
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
>
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
>
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);

(F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and

(G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

Applicants incorrectly calculated the period of adjustment under 37 CFR 1.702(a)(1) based on the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements, March 28, 2007, instead of the date of completion of all 35 U.S.C. 371 requirements, March 30, 2007. The record confirms that March 30, 2007, is the date of completion as this date is the latest: "of the earlier of 30 months from the priority date," and thus, is the proper date for the purpose of determining the period of adjustment under 37 CFR 1.702(a)(1).

On September 5, 2008, the Office mailed a first notification under 35 U.S.C. 132, fourteen months and 98 days after the date of completion of all 35 U.S.C. 371 requirements, March 30, 2007. Accordingly, the period of adjustment of 98 days for Office delay pursuant to 37 CFR 1.702(a)(1) will remain.

The Office acknowledges the $200.00 fee set forth in 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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
4TH FLOOR
WASHINGTON DC 20005

MAILED

JUN 11 2010

OFFICE OF PETITIONS

In re Application of
Shigeo Hashimoto et al
Application No. 11/664,261
Filed: March 30, 2007
Attorney Docket No. 070192

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

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 10, 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 April 27, 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 2832 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
Noel Nicholaas Maria Van Peij :
Application No. 11/664,291 : DECISION ON PETITION
Filed: May 10, 2007 :
Attorney Docket No. GRT/4662-502 :

This is a decision on the petition, filed June 30, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed October 15, 2008, which set a one (1) month period for reply. A Notice of Abandonment was mailed on April 29, 2009.

Petitioner asserts that the Office action dated October 15, 2008, was not received.

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

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

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

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

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

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

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The above-identified application will be restored to pending status.

This application is being referred to the Technology Center technical support staff of Art Unit 1656 for re-mailing the Office action of October 15, 2008. The period for reply will run from the mailing date of the Office action.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

23 AUG 2007

BOZICEVIC, FIELD & FRANCIS LLP
(PROTEUS BIOMEDICAL, INC)
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO CA 94303

In re Application of :
SAVAGE, George M., et al. :
U.S. Application No.: 11/664,340 : DECISION
Filing Date: 30 March 2007 :
Attorney Docket No.: PRTS-007CON4 :
For: CONTINUOUS FIELD :
TOMOGRAPHY :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 05 October 2005, applicant filed international application PCT/US2005/036035, claiming a priority date of 08 October 2004. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 08 April 2007.

On 30 March 2007, applicant filed *inter alia*, fees and a preliminary amendment indicating that the application was a continuation of PCT/US2005/036035.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

The USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111 . . .

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.

Here, the indication that the application is a continuation of the international application, rather than a national stage of the international application, is an instruction to process the application pursuant to 35 U.S.C. 111(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

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.

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

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

27 MAY 2008

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

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576-1696

In re Application of	:	DECISION ON
Joachim JUNG ET AL	:	
PCT No.: PCT/EP2005/010454	:	
Application No.: 11/664441	:	PAPERS FILED
Int. Filing Date: 28 September 2005	:	
Priority Date: 01 October 2004	:	
Attorney's Docket No.: JUNG ET AL-1PCT	:	UNDER 37 CFR 1.42
For: UV IRRADIATION UNIT	:	

This is a decision on the declaration filed 01 August 2007, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 30 March 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).

On 01 August 2007, applicants filed an executed declaration, which is signed by Stefan JUNG, Melanie NIEMANN, nee JUNG and Carsten JUNG as joint legal heirs to deceased inventor Joachim JUNG.

DISCUSSION

The declaration is unacceptable because the declaration does not state that Stefan JUNG, Melanie NIEMANN, nee JUNG and Carsten JUNG are all heirs for the deceased inventor or the legal representatives for the deceased inventor, Joachim JUNG. (see MPEP § 409.01(a)).

That is, there may be other heirs who are required to also sign the declaration. The declaration must indicate that Stefan JUNG, Melanie NIEMANN, nee JUNG and Carsten JUNG are all heirs for the deceased inventor or are the legal representatives for the deceased inventor, Joachim JUNG, to accept the application under 37 CFR 1.42.

Moreover, a submission of a declaration executed by all of the heirs of the deceased inventor is construed as an indication that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect applicants are required to promptly notify the Office of such and submit a declaration properly executed by the legal representative(s) of the deceased inventor.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) 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 "Second Renewed Submission 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

UNITED STATES PATENT and TRADEMARK OFFICE

02 SEP 2008

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

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576-1696

In re Application of	:	DECISION ON
Joachim JUNG ET AL	:	
PCT No.: PCT/EP2005/010454	:	
Application No.: 11/664441	:	PAPERS FILED
Int. Filing Date: 28 September 2005	:	
Priority Date: 01 October 2004	:	
Attorney's Docket No.: JUNG ET AL-1PCT	:	UNDER 37 CFR 1.42
For: UV IRRADIATION UNIT	:	

This is a decision on the "Renewed Submission Under 37 CFR 1.42," filed on 10 July 2008.

BACKGROUND

In a decision from this office dated 27 May 2008, the papers filed on 01 August 2007 were not accepted under 37 CFR 1.42.

On 10 July 2008, applicants submitted the renewed submission under 37 C.F.R. §1.42.

DISCUSSION

Applicants have provided a statement which sets forth that Stefan Jung, Melanie Niemann nee Jung, and Carsten Jung are the sole heirs of the deceased inventor Joachim Jung.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

If they are executing the declaration as the sole heirs of the deceased inventor then it is hereby construed as an indication that no legal representative(s) of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect applicants are required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative(s) of the deceased inventor in response to this decision.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of this application as **01 August 2007**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

28 AUG 2007

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

Edward Korompai
Huntsman Petrochemical Corporation
Attn: Legal Department
10003 Woodloch Forest Drive
The Woodlands, TX 77380

In re Application of
ELSIK, et al.
U.S. Application No.: 11/664,457
PCT No.: PCT/US05/34958
Int. Filing Date: 29 September 2005
Priority Date: 04 October 2004
Atty. Docket No.: D# 81.659
For: HIGH-LOAD GLYPPHOSATE FORMULATIONS

DECISION ON PETITION

UNDER 37 CFR 1.48(b)

This decision is in response to applicant's "Correction of Inventorship Under 37 C.F.R § 1.48(b)" filed 02 April 2007. As authorized, the $130.00 petition fee will be charged to Deposit Account No.: 08-3442.

BACKGROUND

On 29 September 2005, applicant filed International Application No. PCT/US05/34958 which claimed a priority date of 04 October 2004, and which designated the United States. The international application named Curtis Elsik and Christopher J. Whewell as inventors. The thirty-month period for paying the basic national fee was set to expire at midnight on 04 April 2007.

On 02 April 2007, applicant filed a Transmittal Letter for entry into the national stage accompanied by the requisite basic national fee; an Information Disclosure Statement; an Application Data Sheet; a first preliminary amendment and the petition under 37 CFR 1.48(b) to delete Christopher J. Whewell as a named inventor considered herein.

DISCUSSION

Applicant has amended the application canceling claims 40, 41 and 43. Applicant states that inventor Christopher J. Whewell was not an inventor for the remaining claims and therefore should be deleted as an inventor.

As to applicant's petition under 37 CFR 1.48(b), the present national stage application must first be executed by all the named inventors. The filing of a petition under 37 CFR 1.48(b) is not applicable prior to the application being executed by all the named inventors. Under 35 U.S.C. 363, an international application designating the United States has the effect of a national application for a patent regularly filed in the United States. In other words, the U.S. national

stage application is considered to have been filed on the international filing date in the names of the inventors/applicants for the United States of America listed on the REQUEST form. The REQUEST indicated Curtis Elsik and Christopher J. Whewell as applicants/inventors for the United States of America.

37 CFR 1.48(f)(1), by its terms, applies only to a non-provisional application filed under 37 CFR 1.53(b). (See also, 37 CFR 1.9(a)(3)). A national application resulting from an international application entering the national stage under 37 U.S.C. 371 is not an application filed under 37 CFR 1.53(b), but an application that has entered that national stage under 37 CFR 1.494 or 1.495.

Accordingly, the requirements under 35 U.S.C. 371(c)(4) must be met, namely, that an oath or declaration of the inventors complying with the regulations for oaths or declaration of applications be filed. As set forth in 37 CFR 1.497, the oath or declaration must be executed by all the inventors.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.48(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. 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

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

MAILED
FROM DIRECTOR'S OFFICE

SEP 27 2007

TECHNOLOGY CENTER 3600

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of
SHIGERU MAEDA
Appl. No. 11/664,462
Filed: April 02, 2007
Docket: S8810.0004/P004
For: SEMICONDUCTOR BRIGE DEVICE AND IGNITER INCLUDING SEMICONDUCTOR BRIGE DEVICE

ON PETITION TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on Applicant's Petition under 37 CFR 1.84(a)(2) filed on April 27, 2007 to accept color photographs.

The Petition is **DISMISSED**.

For the acceptance of color drawings in accordance with 37 CFR 1.84(a)(2), a petition is required which fullfills the following requirements: (i) the appropriate fee set forth in 1.17(h); (ii) three (3) sets of color drawings; and (iii) amending the specification to contain the following language as the first paragraph in that portion of the specification relating to the brief description of the drawing: "*The file of this patent contains at least one drawing executed in color: Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.*"

Applicant has not amended the specification as required by 37 CFR 1.84(a)(2). Additionally, a review of the specification did not result is any such language.

The Petition is therefore DISMISSED.

Any questions regarding this decision should be directed to Michael Carone at 571-272-6873

Michael Carone
Supervisory Patent Examiner
Technology Center 3600
571 272-6873

21 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLLS MI 48326-1581

In re Application of	
BURGDORF, Christian, et al.	
Application No.: 11/664,470	
PCT No.: PCT/EP2005/054897	DECISION
Int. Filing Date: 29 September 2005	
Priority Date: 30 September 2004	ON PETITION UNDER
Docket No.: AP 11034	
For: DEVICE FOR MEASURING THE ABSOLUTE POSITION OF AT LEAST TWO MEMBERS THAT ARE MOVABLE OR ROTATABLE RELATIVE TO EACH OTHER	37 CFR 1.137(b)

This is a decision on applicants' Petition to Revive an Unintentionally Abandoned Under 37 C.F.R. §1.137(b), filed in the above-captioned application on 18 June 2009.

BACKGROUND

On 24 October 2008, the Office mailed 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 filing the search fee, examination fee or oath or declaration after 30 months were required.

On 18 June 2009, applicants filed a petition to revive the international application under 37 CFR 1.137(b), accompanied by the declaration of the inventors.

On 11 August 2009, the Office mailed a Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt.

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 (2), (3) and (4) have been satisfied. The petition fee has been paid. A declaration of the inventors and the surcharge have been furnished. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Item (1) has not been satisfied. The petition is not signed and the statement of unintentional delay has not been made. Specifically, only page one of the petition was submitted.

CONCLUSION

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

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 11 August 2009 are **VACATED**.

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

3 0 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLS MI 48326-1581

In re Application of	:	
BURGDORF, Christian, et al.	:	
Application No.: 11/664,470	:	
PCT No.: PCT/EP2005/054897	:	
Int. Filing Date: 29 September 2005	:	SUPPLEMENTAL
Priority Date: 30 September 2004	:	
Docket No.: AP 11034	:	DECISION
For: DEVICE FOR MEASURING THE ABSOLUTE POSITION OF AT LEAST TWO MEMBERS THAT ARE MOVABLE OR ROTATABLE RELATIVE TO EACH OTHER	:	

This is a corrected decision on applicants' Petition to Revive an Unintentionally Abandoned Under 37 C.F.R. §1.137(b), filed in the above-captioned application on 18 June 2009. It has been corrected to indicate that the declaration bearing a PTO form number is not a PTO form and to indicate it does not comply with 37 CFR 1.69.

BACKGROUND

On 24 October 2008, the Office mailed 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 filing the search fee, examination fee or oath or declaration after 30 months were required.

On 18 June 2009, applicants filed a petition to revive the international application under 37 CFR 1.137(b), accompanied by the declaration of the inventors.

On 11 August 2009, the Office mailed a Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt.

DISCUSSION

Upon review of Office records, it has been determined that the declaration furnished by applicants and bearing the PTO form number and OMB marking is not a USPTO form. Rather, it has been modified. As it has been modified, it should not bear those markings.

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 (3) and (4) have been satisfied. The petition fee has been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Item (1) has not been satisfied. The petition is not signed and the statement of unintentional delay has not been made. Specifically, only page one of the petition was submitted.

Item (2) has not been satisfied. The declaration contains foreign language text, but is not a USPTO form and is not accompanied by a statement that the foreign language text is accurately translated in the English. 37 CFR 1.69.

CONCLUSION

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

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 11 August 2009 are **VACATED**.

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

1 0 DEC 2007
United States Patent and Trademark Office

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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
Takahashi et al.	:	
Application No.: 11/664,516	:	
PCT No.: PCT/JP2006/303609	:	
Int. Filing Date: 27 February 2006	:	DECISION
Priority Date: 28 February 2005	:	
Attorney Docket No.: 131782	:	
For: Transfer Film And Synthetic Resin Product Decorated With The Transfer Film	:	

This is in response to the correspondence filed on 15 August 2007, which is being treated as a petition under 37 CFR 1.181 to withdraw the Notification of Missing Requirements mailed on 06 August 2007.

BACKGROUND

This international application was filed on 27 February 2006, claimed an earliest priority date of 28 February 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 08 September 2006. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 28 August 2007. Applicants paid the required basic national fee on 03 April 2007.

On 06 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).

DISCUSSION

Applicants indicate that a declaration and surcharge were filed on 03 April 2007. Inspection of the IFW reveals that the 03 April 2007 declaration is present. Further inspection of the English language version of said declaration reveals that it has not been executed. Meanwhile, the Japanese language version includes improper S-signatures. For counsel's convenience, a 4-page document from www.uspto.gov illustrating proper and improper S-signatures is attached hereto. Since the 03 April 2007 declaration was not properly signed, the requirements of the 06 August 2007 Notification of Missing Requirements remain outstanding.

DECISION

The petition is **DISMISSED**, without prejudice.

A proper response must be filed within either (1) **a NON-EXTENDABLE ONE (1) MONTH** period from the mail date of this decision, or (2) the remaining period for response to the Notification of Missing Requirements mailed on 06 August 2007, as extendable under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** with respect to the national stage in the United States.

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

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

enc.: S-signature examples

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

05 FEB 2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
Takahashi et al.	:	
Application No.: 11/664,516	:	
PCT No.: PCT/JP2006/303609	:	
Int. Filing Date: 27 February 2006	:	DECISION
Priority Date: 28 February 2005	:	
Attorney Docket No.: 131782	:	
For: Transfer Film And Synthetic Resin Product Decorated With The Transfer Film	:	

This is in response to the "Renewed Petition..." filed on 07 January 2008, and the "Supplemental Renewed Petition" filed on 18 January 2008.

DISCUSSION

In a Decision mailed on 10 December 2007, the correspondence filed on 15 August 2007 was treated as a petition under 37 CFR 1.181 and dismissed, without prejudice, because

> Applicants indicate that a declaration and surcharge were filed on 03 April 2007. Inspection of the IFW reveals that the 03 April 2007 declaration is present. Further inspection of the English language version of said declaration reveals that it has not been executed. Meanwhile, the Japanese language version includes improper S-signatures. For counsel's convenience, a 4-page document from www.uspto.gov illustrating proper and improper S-signatures is attached hereto. Since the 03 April 2007 declaration was not properly signed, the requirements of the 06 August 2007 Notification of Missing Requirements remain outstanding.

In response, petitioner argues "that the electronic form on which the Japanese-language Declaration in this application appears is specifically designed to have the s-signature appear in the format that was presented in this application," and presents supporting evidence in the form of a copy of "instructions for preparing such documents." In view of the totality of the evidence currently of record, it now would be appropriate to accept the declaration filed under PCT Rule 4.17(iv) for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The petition 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 **03 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

YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

MAILED

JUN 0 4 2009

OFFICE OF PETITIONS

In re Patent No. 7517869
Issue Date: 04/14/2009
Application No. 11/664522
Filed: 04/03/2007
Attorney Docket No. 0509-1118

ON PETITION

This is a decision on the petition filed April 21, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of	:	
CROSSLEY	:	
Application No.: 11/664,547	:	DECISION ON PETITION
PCT No.: PCT/AU05/01521	:	
Int. Filing Date: 06 October 2005	:	UNDER 37 CFR 1.181
Priority Date: 06 October 2004	:	
Attorney Docket No.: U 016789-4	:	
For: GOLF DRIVING RANGE PLATFORM	:	

This decision is in response to applicant's "Request to Withdraw Holding of Abandonment" filed 04 September 2008 in the United States Patent and Trademark Office (USPTO). The request is being treated pursuant to 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 06 October 2005, applicant filed international application PCT/AU05/01521, which claimed priority of an earlier application filed 06 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 April 2006. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 06 April 2007.

On 03 April 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); a preliminary amendment and an Information Disclosure Statement.

On 02 October 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date and provide payment of the surcharge for providing an oath or declaration later than thirty months from the priority date. Applicant was afforded two months to file a proper response.

On 28 August 2008, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/905 mailed 02 October 2007 within the time period set therein and that above-identified application was abandoned as to the United States.

On 04 September 2008, applicant filed the present petition arguing that a response to the Form PCT/DO/EO/905 had been filed on 29 November 2007.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. (See MPEP 503). An examination of the petition finds that applicant has provided a copy of the date-stamped postcard receipt, as well as, a complete copy of the prior filing and a statement that the copy currently provided is a true and complete copy of the papers filed on 29 November 2007. The postcard identifies the application by serial number, title, applicant and attorney docket number. Among the items listed on the receipt is: "Declaration And Power Of Attorney." The receipt is stamped "IAP09 Rec'd PCT 29 NOV 2007." The postcard has not been annotated in any way to indicate that any of the listed items were not received. Thus, it is clear that applicant filed an executed declaration and power of attorney on 29 November 2007. In addition, a review of the fee record for this application shows payment of the $65.00 surcharge on 29 November 2007; thus, it is proper to grant applicant's petition to withdraw the holding of abandonment for failure to file a response.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 28 August 2008 is hereby **VACATED**.

The application has an international filing date of 06 October 2005 under 35 U.S.C. 363 and will be given a date of **29 November 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ronald R. Santucci
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

Mail Date: 06/02/2010

Applicant	: Magne Stenseide	: DECISION ON REQUEST FOR
Patent Number	: 7661718	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/664,552	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/21/2008	: 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.

16 JUL 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

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

In re Application of	:	
Jon Ulrich HANSEN et al.	:	
U.S. Application No. 11/664,561	:	DECISION
PCT No. PCT/EP05/55064	:	ON PETITION
Int. Filing Date: 06 October 2005	:	
Priority Date: 07 October 2004	:	
Attorney Docket No. 6870.204-US	:	
For: METHOD AND SYSTEM FOR SELF-MANAGEMENT OF A DISEASE	:	

This is a decision on the petition under 37 CFR 1.55(c), filed 13 November 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to Danish foreign application No. PA 2004 01981, filed 22 December 2004.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on 06 October 2005, which is after November 29, 2000 and within 12 months of 22 December 2004 (the filing date of the foreign application to which benefit is now being claimed). On 13 November 2008, a supplemental application data sheet was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1410 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

This application is being referred to Technology Center 3700 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Telephone inquiries concerning this decision should be directed to BethAnne Dayoan at (571) 272-3209.

BethAnne Dayoan
Detailee
Office of PCT Legal Administration

Rafael Bacares
PCT Legal Examiner
Office of PCT Legal Administration

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

COPY MAILED

DEC 17 2009

OFFICE OF PETITIONS

UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG WEST S WING
ENGLEWOOD CLIFFS NJ 07632-3100

In re Application of :
Briggs, et al. :
Application No. 11/664,562 : ON PETITION
Filed: February 25, 2008 :
Attorney Docket No. C4406(C) :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 12, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed September 18, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on December 19, 2008. The Office mailed a Notice of Abandonment on June 8, 2009.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 1796 for consideration of the Amendment, filed October 12, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

30 MAR 2009

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

In re Application of:
PUIG MONTIEL, Arturo, et al.
U.S. Application No.: 11/664,574
PCT No.: PCT/ES2005/000514
International Filing Date: 22 September 2005
Priority Date: 05 October 2004
Atty's Docket No.: 15053.0054USWO
For: SYNTHETIC PEPTIDES REDUCING OR REMOVING BAGS UNDER THE LOWER EYE CONTOUR AND THEIR USE IN COSMETIC OR DERMOPHARMACEUTICAL COMPOSITIONS

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 05 February 2009. Applicants have paid the required $200 petition fee.

BACKGROUND

On 22 September 2005, applicants filed international application PCT/ES2005/000514. The international application claimed a priority date of 05 October 2004, and it designated the United States. On 20 April 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., 05 April 2007.

On 12 March 2008, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee, an English translation of the international application, and an unsigned declaration.

On 05 August 2008, 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.

On 05 February 2009, applicants filed a response to the Notification Of Missing Requirements (with required four-month extension fee). The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a)

considered herein. The petition seeks acceptance of the application without the signature of inventor Elena PASSERINI, 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 paid 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.

Applicants have filed a declaration that contains an unsigned signature block for the non-signing inventor and is executed by the other two inventors of record. 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, applicants have provided a statement from Dr. Cesar Garcia Plumed, with accompanying exhibits, as evidence that the inventor has refused to execute the declaration. The materials provided here are not sufficient to confirm that the inventor has refused to execute the application. Specifically, the petition does not indicate that a copy of the complete application (specification, claims, and drawings), with a request for signature, has been forwarded to the last known address of the inventor, as required by the MPEP (the statement provided refers only to the declaration and assignment being sent to the inventor). In addition, it is unclear from the present record that the communications being forwarded to the inventor are being received by the inventor. Some of the information provided, including that for the most recent communication, expressly indicates that the communication was not delivered. Others indicate delivery to a

purported relative of the inventor. Applicants must provide further information to clarify the "certified facsimile" method being used before it can be concluded that the correspondence referred to herein, or any subsequent communications to the inventor (i.e., a signature request accompanied by the complete application), have been properly communicated to the inventor.

Until adequate supplemental materials are provided confirming that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor at her last known address, that the request and application was received by inventor, and that the inventor has refused to provide the requested signature in response to such request, item (4) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 NOV 2009

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

In re Application of:
PUIG MONTIEL, Arturo, et al.
U.S. Application No.: 11/664,574
PCT No.: PCT/ES2005/000514
International Filing Date: 22 September 2005
Priority Date: 05 October 2004
Atty's Docket No.: 15053.0054USWO
For: SYNTHETIC PEPTIDES REDUCING OR REMOVING BAGS UNDER THE LOWER EYE CONTOUR AND THEIR USE IN COSMETIC OR DERMOPHARMACEUTICAL COMPOSITIONS

DECISION ON PETITIONS

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 30 September 2009 and the "Third Communication Regarding Improper Notification Of Abandonment And Petition To Withdraw Holding Of Abandonment (37 CFR 1.181)" filed 20 October 2009. No petition fees are required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 30 March 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that the non-signing inventor refuses to execute the application or cannot be reached after diligent effort. The decision provided applicants with an extendable two-month response period.

On 20 August 2009, 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 "per decision mailed 30 March 2009."

On 30 September 2009, applicants filed the "Renewed Petition Under 37 CFR 1.47(a)" considered herein, with required four-month extension fee.

On 20 October 2009, applicants filed the "Third Communication Regarding Improper Notification Of Abandonment And Petition To Withdraw Holding Of Abandonment (37 CFR 1.181)" considered herein.

DISCUSSION

1. Petition To Withdraw Abandonment (37 CFR 1.181)

As set forth above, the decision mailed on 30 March 2009 provided applicants with a two-month response period, and it indicated that extensions of time were available under 37 CFR 1.136(a).

The "Renewed Petition Under 37 CFR 1.47(a)" filed by applicants on 30 September 2009 was accompanied by payment of the fee for a four-month extension of time under 37 CFR 1.136(a). Based on this extension, applicants' 30 September 2009 submission is considered a timely response to the decision mailed 30 March 2009.

In view of the above, the Notification of Abandonment (Form PCT/DO/EO/909) mailed 20 August 2009, based as it was on applicants' purported failure to timely respond to the decision mailed 30 March 2009, is appropriately withdrawn, as requested by applicants in the present petition under 37 CFR 1.181.

2. Renewed Petition Under 37 CFR 1.47(a)

Applicants' renewed petition under 37 CFR 1.47(a) includes supplemental firsthand materials and documentary evidence describing additional efforts to communicate a signature request, accompanied by a copy of the complete application, to the non-signing inventor at her last known address, as well as efforts made to identify a more current address for the non-signing inventor. These materials, in combination with those previously submitted, provide an acceptable showing that the non-signing inventor has refused to execute the application or cannot be located after diligent effort. Applicants have therefore now satisfied the final element for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The petition for withdrawal of the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

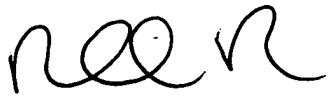
The Notification of Abandonment (Form PCT/DO/EO/909) mailed 20 August 2009 is hereby **VACATED**.

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

The application is accepted without the signature of non-signing co-inventor Elena PASSERINI.

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 address of the non-signing inventor, 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 05 February 2009.



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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 NOV 2009

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

Ms. Elena PASSERINI
C/Domenec Oristrell 25 1°
08173 Sant Cugat Del Valles
Barcelona, SPAIN

In re Application of: PUIG MONTIEL, Arturo, et al.
U.S. Application No.: 11/664,574
PCT No.: PCT/ES2005/000514
International Filing Date: 22 September 2005
Priority Date: 05 October 2004
Atty's Docket No.: 15053.0054USWO
For: SYNTHETIC PEPTIDES REDUCING OR REMOVING BAGS UNDER THE LOWER EYE CONTOUR AND THEIR USE IN COSMETIC OR DERMOPHARMACEUTICAL COMPOSITIONS

Dear Ms. PASSERINI:

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
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dickinson Wright, PLLC
1875 Eye Street, NW
Suite1200
Washington, DC 20006

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of :
STUART GOOSE ET AL. :
Application No. 11/664,630 : DECISION ON PETITION
Filed: April 3, 2007 : TO WITHDRAW
Attorney Docket No. **2005P14442** : 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 June 10, 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

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

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE , Suite 200
FALLS CHURCH VA 22042

COPY MAILED

OCT 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Bolding et al.	:	DECISION ON PETITION
Application No. 11/664,646	:	TO WITHDRAW
Filed: February 27, 2008	:	FROM RECORD
Attorney Docket No. 10286.0447.PCUS00	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed December 23, 2008.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on December 23, 2008 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

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

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

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

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

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. Mr. Rexford A. Johnson 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 no outstanding Office action that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE , Suite 200
FALLS CHURCH VA 22042

MAILED

FEB 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Bolding et al.	:	DECISION ON PETITION
Application No. 11/664,646	:	TO WITHDRAW
Filed: February 27, 2008	:	FROM RECORD
Attorney Docket No. 10286.0447.PCUS00	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed December 14, 2009.

The request is **NOT APPROVED**.

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

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

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. Mr. Rexford A. Johnson 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 no outstanding Office action that requires a reply.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

MAILED

APR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Bolding et al.	:	DECISION ON PETITION
Application No. 11/664,646	:	TO WITHDRAW
Filed: February 27, 2008	:	FROM RECORD
Attorney Docket No. BJSC.040U	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 2010.

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

A review of the file record indicates that on January 16, 2009 the power of attorney to Howrey LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Zarian Midgley & Johnson PLLC
University Plaza
960 Broadway Ave., Suite 250
Boise ID 83706

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KILYK AND BOWERSOX, PLLC
400 HOLIDAY CT
SUITE 102
WARRENTON, VA 20186

COPY MAILED
DEC 16 2008

Applicant: Henderson, et al.
Appl. No.: 11/664,649
International Filing Date: October 5, 2005
Title: MOULDABLE BIODEGRADABLE POLYMER
Attorney Docket No.: 3231-001
Pub. No.: US 2007/0276317 A1
Pub. Date: November 29, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 29, 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 on several pages of the specification.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records" 37 CFR 1.215 states that "the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements." As stated in MPEP 1130(B), applicants "should not file requests for corrected publication that include no material error made by the Office . . . failure to include an amendment is not an Office error."

The errors alleged in the specification arise from the publication of the specification as filed on April 4, 2007 rather than the specification as amended therewith. Applicant failed to supply a copy of the specification as amended in compliance with the Office electronic filing system requirements. Therefore, publication of the specification as filed is not an Office error. Consequently, 37 CFR 1.221(b) is inapplicable and the request is dismissed.

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 January 29, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The error noted by requestor with respect to the citizenship of one inventor may be an Office error, but it is not a material Office error under 37 CFR 1.221. 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.

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 Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

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

JUL 27 2007

TOWNSEND & BANTA
Suite 900, South Building
601 Pennsylvania Ave., N.W.
Washington, D.C. 20004

In re Application of	:	
Yukimitsu Suda	:	DECISION ON REQUEST TO
Application No. 11/664,670	:	PARTICIPATE IN PATENT
Filed: April 4, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. TOS-177-USA-PCT	:	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 June 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;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

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

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
TEO, Wee Tuck	:	
Application No. 11/664,674	:	DECISION ON PETITION
Filed: April 04, 2007	:	TO WITHDRAW
Attorney Docket No. **3026-6627US (WCT/EST/E7-2**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 2010.

The request is **NOT APPROVED**.

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

37 CFR 3.71(c) states:

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

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

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 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ADVANCED NETWORK TECHNOLOGY LABORATORIES, PTE LTD**
1 SYED ALWI ROAD
#03-01 SONG LIN BUILDING
SINGAPORE, SINGAPORE 207628

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

Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd.
Suite 1400
Arlington, VA 22201

COPY MAILED

OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Luc Gesche	:	
Application No. 11/664,679	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO WITHDRAW
Attorney Docket No. PECHER-0003	:	FROM RECORD
	:	

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 12, 2008.

The request is **APPROVED**.

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

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

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

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: **Daniel E. Fisher, Esq.**
11240 Waples Mill Road
Suite 300
Fairfax, VA 22030

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/664,679	04/10/2007	Luc Gesche	PECHER-0003

CONFIRMATION NO. 3515

POWER OF ATTORNEY NOTICE

23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

OC000000032375146

Date Mailed: 10/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/12/2008.

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

/tswilliams/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 5 SEP 2008

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

04743
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, IL 60606

In re Application of :
TOWNS *et al* :
Application No.: 11/664,745 :
PCT No.: PCT/GB2005/003892 :
Int. Filing Date: 11 October 2005 :
Priority Date: 11 October 2004 : **DECISION**
Attorney Docket No.: 29610/CDT528 :
For: POLAR SEMICONDUCTOR HOLE TRANSPORTING MATERIAL :

This is a decision on the declaration filed on 24 March 2008 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 22 January 2008, 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) was mailed indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required.

On 24 March 2008, applicants filed the instant response which was accompanied by, *inter alia*, the $130.00 surcharge fee and a declaration signed by two of the three named inventors and the legal representative of a deceased joint inventor.

DISCUSSION

Applicants have furnished a declaration signed by two joint inventors and by the legal representative of Carl R. Towns. 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.

37 CFR 1.497(a)(3) requires that the citizenship of each inventor must be listed on the declaration. 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative of an inventor must also be recorded on the declaration.

A review of the declaration submitted shows that citizenship, residence and mailing address information are listed in the box for the deceased inventor which was signed by the legal representative, Caroline Towns.

However, it is not clear if this information is for the legal representative, or the deceased joint inventor. Regardless, this information is required for both, and must be clearly identified as such on the declaration.

Accordingly, the declaration does not comply with 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Bernd Frey	: DECISION ON REQUEST FOR
Patent Number	: 7620524	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/664,746	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/11/2008	: 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

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

16 AUG 2007

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of	:	
YUEN et al.	:	
Application No.: 11/664,749	:	DECISION ON
PCT No.: PCT/US2004/015856	:	
Int. Filing Date: 19 May 2004	:	PETITION UNDER
Priority Date: 20 May 2003	:	
Attorney Docket No.: 31835-708.831	:	37 CFR 1.137(b)
For: SMART LINEARIZED POWER AMPLIFIER	:	
AND RELATED SYSTEMS AND METHODS	:	

This decision is in response to applicants' submission filed 04 April 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 May 2004, applicant filed international application PCT/US2004/015856 which designated the U.S. and claimed a priority date of 20 May 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 02 December 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 November 2005 (20 November 2005 being a Sunday).

On 04 April 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 04 April 2007.

As to item (2), applicant submitted the petition fee on 04 April 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

21 NOV 2007

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

VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS, MI 49546

In re Application of KROLL et al	:	
U.S. Application No.: 11/664,758	:	
PCT Application No.: PCT/EP2006/001093	:	DECISION
Int. Filing Date: 08 February 2006	:	
Priority Date Claimed: 11 February 2005	:	
Attorney Docket No.: MOS01 P-129	:	
For: WIND SAFETY DEVICE FOR CRANES	:	

This is in response to the declaration filed 04 April 2007, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 February 2006, applicant filed international application PCT/EP2006/001093, which claimed priority of an earlier Germany application filed 11 February 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 17 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 11 August 2007.

On 04 April 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 the present request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the

following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 04 April 2007 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 08 February 2006, and a date under 35 U.S.C. 371(c) of 04 April 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

0 2 JUN 2009

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

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

In re Application of: SATO, Kan'ichi, et al.
U.S. Application No.: 11/664,774
Int'l Application No: PCT/JP2005/018539
Int'l Filing Date: 06 October 2005
Priority Date: 06 October 2004
Atty Docket No.: 112780-059
For: RESIN MOLDED ARTICLE AND METHOD OF MANUFACTURING RESIN MOLDED ARTICLE

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to the Petition for Revival under 37 CFR 1.137(b) filed by above-named counsel on 30 March 2009. Applicants have paid the required petition fee.

BACKGROUND

On 06 October 2005, applicants filed international application PCT/JP2005/018539. The application claimed a priority date of 06 October 2004, and it designated the United States. On 13 April 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for filing the basic national fee was thirty months from the priority date, i.e., 06 April 2007.

On 05 April 2007, a Transmittal Letter requesting entry into the U.S. national stage was filed on behalf of applicants by the Everest Intellectual Property Group ("Everest"). The Transmittal Letter was accompanied by, among other materials, an English translation of the international application and a preliminary amendment; however, the submission did not include payment of the basic national fee.

Based on applicants' failure to submit the basic national fee prior to the expiration of thirty months from the priority date, international application PCT/JP2005/018539 became abandoned with respect to the United States at midnight on 06 April 2007.

On 03 June 2008, above-named counsel filed a second transmittal letter herein, accompanied by a "Revocation And New Power Of Attorney" executed on behalf of the assignee, Komatsu Ltd. (KOMATSU) which revoked all prior powers of attorney and appointed above-named counsel to prosecute the present application. The submission also contained the authorization to charge Deposit Account No. 06-1050 for any fees required herein.

On 06 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Insufficient Basic National Fee Required And/Or Missing Copy Of International Application Under 35 U.S.C. 371 And 37 CFR 1.495" (Form PCT/DO/EO/912) stating that the required U.S. basic national fee had not been timely paid.

On 30 March 2009, above-named counsel filed the Petition for Revival under 37 CFR 1.137(b) considered herein, with accompanying materials.

DISCUSSION

A grantable petition for revival under 37 CFR 1.137(b) 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" here is payment of the basic national fee. As noted above, applicants' 03 June 2008 submission included the authorization to charge Deposit Account No. 06-1050 for required fees. Pursuant to this authorization, Deposit Account No. 06-1050 will be charged the $330 basic national fee. Based on this payment, the "required reply" has been submitted by applicants. Accordingly, item (1) of a grantable petition is satisfied.

With respect to item (2), applicants have paid the required petition fee. Item (2) is therefore satisfied.

With respect to item (3), the petition includes a statement from above-named counsel 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." The petition is also accompanied by a statement from a representative of the assignee discussing the delay in paying the required basic national fee. However, the attorney executing the present petition was not the attorney of record at the time the application became abandoned;[1] rather, the statement of assignee's representative included with the present petition indicates that Everest, the attorneys who filed the original national stage papers, had responsibility for the present application at the time of abandonment. Under these circumstances, it is not apparent that the persons signing the statements of unintentional delay are in a position to have firsthand or direct knowledge of the facts and circumstances of the entire delay at issue. Accordingly, the present statements are not sufficient to support a conclusion that the entire delay in paying the required fee during the period from 05 April 2007 until the appointment of present counsel on 03 June 2008, a period during which the application was being handled by different counsel, was unintentional.

Before it can be concluded that the entire delay herein was unintentional, applicants must provide additional materials confirming that the delay in filing the required reply between the

[1] The materials appointing above-named counsel were not filed until 03 June 2008, more than one year after the abandonment of the present application.

due date and petitioner's acceptance of responsibility for this application was unintentional. Such materials should include a statement from prior counsel explaining the delay during this period, since such person(s) would presumably have firsthand knowledge regarding the cause of delay during this time period, as well as relevant documentary support.

Based on the above, on the present record, item (3) of a grantable petition for revival under 37 CFR 1.137(b) is not satisfied.

CONCLUSION

Applicant's petition for revival 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 request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and it must include the materials required to satisfy item (3) of a grantable petition, as discussed above.

Deposit Account No. 06-1050 will be charged the applicable $330 U.S. basic national fee.

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, 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

03 SEP 2009

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

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

In re Application of: SATO, Kan'ichi, et al.
U.S. Application No.: 11/664,774
Int'l Application No: PCT/JP2005/018539
Int'l Filing Date: 06 October 2005
Priority Date: 06 October 2004
Atty Docket No.: 23697-0018US1/NF-3116
For: RESIN MOLDED ARTICLE AND METHOD OF MANUFACTURING RESIN MOLDED ARTICLE

DECISION ON RENEWED PETITION
(37 CFR 1.137(b))

This decision is issued in response to applicants' "Reply To Decision Of June 2, 2009" filed 03 August 2009, treated herein as a renewed petition for revival under 37 CFR 1.137(b). Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 02 June 2009. The decision dismissed without prejudice applicants' petition for revival under 37 CFR 1.137(b) for failure to satisfy all requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that the entire delay between the abandonment of the application and the filing of the petition for revival was unintentional.

On 03 August 2009, applicants filed the "Reply To Decision Of June 2, 2009" treated herein as a renewed petition for revival under 37 CFR 1.137(b).

DISCUSSION

The present submission includes a statement from the attorney who had responsibility for the present application at the time of abandonment. This statement, in combination with the statements filed herein by current counsel, provides an acceptable indication that the entire delay between the abandonment of the application and the filing of the petition for revival was unintentional.

Based on the above, applicants have now satisfied the final outstanding requirement for a grantable petition for revival under 37 CFR 1.137(b).

It is noted that, on 30 March 2009, applicants filed an executed declaration in compliance with 37 CFR 1.497.

CONCLUSION

Applicants' renewed petition for revival under 37 CFR 1.137(b) is **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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of :
Randall J. Mrsny :
Application No. 11/664,787 :
Filed: December 9, 2008 :
Attorney Docket No. 10901-039-999 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 12, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **TRINITY BIOSYSTEMS, INC.**
C/O TRINITY, LLC
ATTN: COLIN SAVAGE
1100 LAAVENIDA STREET, BUILDING A
MOUNTAIN VIEW, CA 94043

UNITED STATES PATENT AND TRADEMARK OFFICE

30 DEC 2008

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
SCHELEN, Olov, et al.	:	DECISION ON REQUEST
U.S. Application No.: 11/664,794	:	FOR WITHDRAWAL AS
PCT No.: PCT/SE2005/001396	:	ATTORNEY OF RECORD
Int. Filing Date: 22 September 2005	:	
Priority Date: 12 October 2004	:	
Attorney Docket No.: 12090-000020/US	:	
For: RESILIENCE SOLUTION FOR TOP TIER BANDWIDTH MANAGERS	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PTO/SB/83) filed 29 October 2008.

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) 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 John A. Castellano 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 30593.

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, including updating USPTO records to remove above-named counsel as attorney of record and updating the correspondence address herein.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/664,805	04/06/2007	Takayuki Shirane	043890-0959	3671

53080 7590 07/19/2010

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
CANTELMO, GREGG	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/19/2010	PAPER

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

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

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

wk

Mailed: JUL 19 2010

In re application of :
Shirane et al. : DECISION ON
Serial No. 11/664,805 : PETITION
Filed: April 6, 2007 :
For: NEGATIVE ELECTRODE FOR NON-AQUEOUS ELECTROLYTE SECONDARY BATTERIES, AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY HAVING THE SAME

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on May 3, 2010 to enter and consider the Amendment under 37 CFR 1.116.

On February 2, 2010, a Final Rejection was issued. On April 2, 2010, Applicants filed an Amendment and a Certified English Translation of the Japanese Priority Document. The Amendment consisted of adding the limitation of claim 7 to claim 1 and canceling claims 7-12.

A review of the record shows that that no new considerations were introduced by this amendment because previously presented claims 7-12, each containing the core–shell limitation, depended from claims 1-6. The limitations of the amended claims have been previously considered. Applicants did not provide a certified English translation prior to the final rejection, as Taniguchi was not relied on as prior art reference by the Examiner until the Final Rejection of February 2, 2010.

DECISION

The petition is **GRANTED**.

The Examiner is directed to enter the Amendment under 37 CFR 1.116 and the Certified English translation of the Japanese Priority Document.

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

Bernard P. Codd
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

2 6 NOV 2007
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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:	
Hao et al.	:	
Application No.: 11/664,826	:	DECISION
PCT No.: PCT/CN05/00308	:	
Int. Filing Date: 14 March 2005	:	ON
Earliest Priority Date: 08 June 2004	:	
Attorney Docket No.: 056946-0106	:	PETITION
For: A Transition Board Apparatus For A Passenger Bridge And A Spring Leaf Thereof	:	

The petition to revive under 37 CFR 1.137(b) filed on 06 April 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the failure to enter the U.S. national stage by December 8, 2006 was unintentional. Applicants submit that the entire delay in filing the required application, from the due date for the filing of application until the filing of this 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. 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.

The $130.00 surcharge under 37 CFR 1.492(h) is being charged to Deposit Account no. 19-0741, as authorized by the instant petition.

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

19 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Richard R. Michaud
Michaud-Duffy Group
306 Industrial Park Road
Suite 206
Middletown CT 06457

In re Application of	:	
LARSEN	:	
Application No.: 11/664,829	:	DECISION
PCT No.: PCT/SE2005/001554	:	
Int. Filing Date: 19 October 2005	:	
Priority Date: 20 October 2004	:	
Attorney's Docket No.: 6485-0059WOUS	:	
For: PERMEATE TUBE	:	

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 10 September 2008.

BACKGROUND

On 19 October 2005, applicant filed international application PCT/SE2005/001554, which designated the United States and claimed a priority date of 20 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 April 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 April 2007.

On 04 April 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 06 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 28 August 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 06 August 2007.

On 10 Septmeber 2008, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Item (1) has been met.

Items (2) and (3) have not been met. As to item (3), MPEP § 711.03(c), para. I.A. states that 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."

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application is abandoned as to the United States of America for failure to timely file a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 28 August 2008.

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
Facsimile: (571) 273-0459

0 9 FEB 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

Richard R. Michaud
Michaud-Duffy Group
306 Industrial Park Road
Suite 206
Middletown CT 06457

In re Application of	:	
LARSEN	:	
Application No.: 11/664,829	:	DECISION
PCT No.: PCT/SE2005/001554	:	
Int. Filing Date: 19 October 2005	:	
Priority Date: 20 October 2004	:	
Attorney's Docket No.: 6485-0059WOUS	:	
For: PERMEATE TUBE	:	

This decision is in response to applicant's "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 11 December 2008.

BACKGROUND

On 19 October 2005, applicant filed international application PCT/SE2005/001554, which designated the United States and claimed a priority date of 20 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 April 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 April 2007.

On 04 April 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 06 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 28 August 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 06 August 2007.

On 10 September 2008, applicant filed a petition to withdraw the holding of abandonment based on non-receipt of the NOTIFICATION OF MISSING REQUIREMENTS mailed 06 August 2007. The petition was properly treated as a petition under 37 CFR 1.181.

On 19 November 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. Specifically, it was noted that a required statement and the required docket record had not been provided.

On 11 December 2008, applicant filed the instant petition under 37 CFR 1.181, which was accompanied by, *inter alia*, a copy of a docket report.

On 02 February 2009, applicant filed a declaration of the inventor.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

As noted in the decision mailed 19 November 2008, item (1) has been met. Item (2) has now been met as well.

Item (3) has not been met. The docket report provided does not appear to be a master docket for the firm but rather the docket records for a single attorney in the firm. MPEP § 711.03(c), para. I.A. states that 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." (Emphasis added)

Declaration of Inventors

The declaration filed 02 February 2009 is not sufficient because it contains non-initialed alterations. 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application is abandoned as to the United States of America for failure to timely file a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 28 August 2008.

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
Facsimile: (571) 273-0459

27 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
www.uspto.gov

Richard R. Michaud
Michaud-Duffy Group
306 Industrial Park Road
Suite 206
Middletown CT 06457

In re Application of	:	
LARSEN	:	
Application No.: 11/664,829	:	DECISION
PCT No.: PCT/SE2005/001554	:	
Int. Filing Date: 19 October 2005	:	
Priority Date: 20 October 2004	:	
Attorney's Docket No.: 6485-0059WOUS	:	
For: PERMEATE TUBE	:	

This decision is in response to applicant's renewed "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 03 March 2009.

BACKGROUND

On 19 October 2005, applicant filed international application PCT/SE2005/001554, which designated the United States and claimed a priority date of 20 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 April 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 April 2007.

On 04 April 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 06 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 28 August 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 06 August 2007.

On 10 September 2008, applicant filed a petition to withdraw the holding of abandonment based on non-receipt of the NOTIFICATION OF MISSING REQUIREMENTS mailed 06 August 2007. The petition was properly treated as a petition under 37 CFR 1.181.

On 19 November 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. Specifically, it was noted that a required statement and the required docket record had not been provided.

On 11 December 2008, applicant filed a petition under 37 CFR 1.181, which was accompanied by, *inter alia*, a copy of a docket report.

On 02 February 2009, applicant filed a declaration of the inventor.

On 09 February 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. Specifically, it was noted that the docket record provided appeared to be for a single attorney rather than being the master docket for the firm.

On 03 March 2009, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

As noted in the decision mailed 09 February 2009, items (1) and (2) have been met.

Item (3) has now been met as well. The renewed petition filed 03 March 2009 clarifies that the copy of the docket report provided 11 December 2008 is effectively a copy of the master docket for the firm.

Declaration of Inventors

The declaration filed 02 February 2009 is not sufficient because it contains non-initialed alterations. 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 06 August 2007 is VACATED.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 28 August 2008 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 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) which does not contain any non-initialed alterations.

/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

2 1 NOV 2007

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

DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304-5086

In re Application of SCHERER et al	:	
U.S. Application No.: 11/664,868	:	
PCT Application No.: PCT/EP2005/010803	:	DECISION
Int. Filing Date: 07 October 2005	:	
Priority Date Claimed: 08 October 2004	:	
Attorney Docket No.: 065445-0074	:	
For: TUBE CONNECTION	:	

This is in response to applicant's "Petition to Correct Parent Continuity Data Under 37 C.F.R. §1.182" filed 19 April 2007.

BACKGROUND

On 07 October 2005, applicant filed international application PCT/EP2005/010803, which claimed priority of an earlier Germany application filed 08 October 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 April 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 April 2007.

On 05 April 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 April 2007, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

A review of the application papers filed 07 October 2005 reveals that the incorrect international application number was listed on the Transmittal Letter (Form PTO-1390), the Application Data Sheet, and a preliminary amendment. The petition states that the correct international application number should be PCT/EP2005/010803. The content of international application number PCT/EP2005/010803 is consistent with the specification, claims, abstract,

title, and inventorship information filed with the national stage papers on 07 October 2005. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

2 4 FEB 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

GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

In re Application of: GILLIET ET AL.
U.S. Application No.: 11/664,869
PCT Application No.: PCT/CH2005/000566
Int. Filing Date: 30 September 2005
Priority Date: 07 October 2004
Atty Docket No.: MWB-0005.US
For: TYPE I INTERFERON BLOCKING AGENTS FOR PREVENTION AND TREATMENT OF PSORIASIS

DECISION

This is in response to "Request to Withdraw the Holding of Abandonment" filed on 02 October 2008, which is being treated as a petition under 37 CFR 1.10 (e). No petition fee is due.

BACKGROUND

On 30 September 2005, applicant filed international application number PCT/CH2005/000566, which claimed priority to an earlier EP application filed 07 October 2004. The thirty month national stage deadline expired on 07 April 2007.

On 04 April 2007, applicant filed national stage papers in the United States Designated Office (DO/EO/US). The submission included, inter alia, the requisite basic national fee.

On 03 August 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed 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).

On 28 August 2008, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed indicating that the 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 03 August 2007.

On 02 October 2008, applicant filed the present petition under 37 CFR 1.10(e).

DISCUSSION

37 CFR 1.10 (e) states:

> (e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS, but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
>
> (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";
>
> (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in", a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and
>
> (4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence, and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

With regard to item (1), the petition was filed promptly after the mailing of the Notification of Abandonment.

With regard to item (2), a review of the application file indicates that the number of the Express Mail mailing label "EV581478239US" was placed on the correspondence prior to the original mailing by Express Mail on 02 November 2007.

With regard to item (3), applicant has provided a copy of the originally purported copy of the Express Mail label "EV581478239US" showing the "date-in" as 02 November 2007.

With regard to item (4), applicant has provided the requisite statement that applicant submits true copies of the documents submitted on 02 November 2007.

The petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR §1.10 (e).

Accordingly, the date of receipt for the executed Declaration is 02 November 2007.

CONCLUSION

For the reasons above, the petition under 37 CFR §1.10 (e) is **GRANTED**.

The Notification of Abandonment (PCT/DO/EO/909) mailed 28 August 2008 was in error and is hereby **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision. The 35 USC § 371 (c)(1), (c)(2), and (c)(4) date is 02 November 2007.

/Katherine Moran/
PCT Special Programs, Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Bryan Lin
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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

COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGE PORT, CT 06605-1601

Mail Date: 04/21/2010

Applicant	: Gianfranco Colosio	: DECISION ON REQUEST FOR
Patent Number	: 7640880	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/664,894	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **464** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

1 3 APR 2009

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

28940
PFIZER INC.
10555 Science Center Drive
San Diego, CA 92121

In re Application of	
CONNOLLY *et al*	
U.S. Application No.: 11/664,975	
PCT No.: PCT/IB2004/003417	**DECISION ON**
Int. Filing Date: 19 October 2004	**PETITION UNDER**
Priority Date: 31 October 2003	**37 CFR 1.137(b)**
Docket No.: PC26159A	
For: PYRIMIDINES AS INHIBITORS OF PHOSPHOINOSITIDE-3-KINASES (PI3K)	

Applicants' petition to revive under 37 CFR 1.137(b) filed on 04 April 2007 with the national stage papers is hereby **GRANTED** as follows:

The proper fees 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 provided.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Dotsevi Y. Sogah	: DECISION ON REQUEST FOR
Patent Number	: 7659321	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/664,998	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **250** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Dotsevi Y. Sogah	: DECISION ON REQUEST FOR
Patent Number	: 7659321	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/664,998	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **250** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

12 MAY 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

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

In re Application of:	:	
POPP, Nicolas, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 11/665,027	:	37 CFR 1.47(a)
PCT No.: PCT/US2005/037113	:	
International Filing Date: 17 October 2005	:	
Priority Date: 15 October 2004	:	
Attorney's Docket No.: 12832/100229	:	
For: ONE TIME PASSWORD	:	

This decision is issued in response to applicants' "Petition Under 37 C.F.R. §1.47(a)" filed 06 May 2009 in the United States Patent and Trademark Office (USPTO). Applicants have paid the required petition fee.

BACKGROUND

On 17 October 2005, applicants filed international application PCT/US2005/037113. The international application claimed a priority date of 15 October 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., 15 April 2007.

On 10 April 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 07 October 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, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional sequence listing materials were required.

On 06 May 2009, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included payment of the required surcharge and the "Petition Under 37 C.F.R. §1.47(a)" considered herein. The petition seeks acceptance of the application without the signature of inventor Loren Hart, 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 submitted the required petition fee, a declaration executed by Nicolas Popp and David M'Raihi on their own behalf and on behalf of inventor Loren Hart and the petition expressly states the last known address of the non-signing inventor. Items (1)-(3) are therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that "[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, applicants not provided a firsthand statement from Michelle Stokes confirming that a request for signature, with a copy of the complete application, was forwarded to the non-signing inventor. It does not appear that attorneys Kamlay and Morris, who signed the present petition, have firsthand knowledge of the preparation and mailing of the papers sent to inventor Hart. Applicants must provide such evidence before it can be concluded that the silence of the non-signing inventor can be considered a refusal to execute the declaration in the present application. Based on the above, item (4) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (3) and (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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3294
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

01 SEP 2009

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

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

In re Application of	:	
POPP, et al.	:	
U.S. Application No.: 11/665,027	:	DECISION ON RENEWED
PCT No.: PCT/US05/37113	:	
Int. Filing Date: 17 October 2005	:	PETITION UNDER
Priority Date: 15 October 2004	:	
Attorney Docket No.: 12832/100229	:	37 CFR 1.47(a)
For: ONE TIME PASSWORD	:	

This decision is in response to applicant's "Renewed Petition Under 37 CFR §1.47(a)" filed 12 August 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 May 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Pui Man Agnes Ng. Applicant was afforded two months to file any request for reconsideration.

On 12 August 2009, applicant filed the present renewed petition accompanied by a petition for a one-month extension of time. The response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 12 May 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. All applicant previously satisfied items 1, 3 and 4. With the filing of the present renewed petition and accompanying papers, applicant has satisfied the remaining fourth item and it is appropriate to grant the renewed petition under 37 CFR 1.47(a).

Specifically, applicant has detailed efforts to present the non-signing inventor with a complete set of application papers and declaration for execution. Applicant has included a firsthand account of the preparation and mailing of the papers which to date have not generated a response from the non-signing inventor.

Accordingly, applicant has satisfied all four items detailed above and it is proper to grant

applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 17 October 2005 under 35 U.S.C. 363, and will be given a date of **06 May 2009** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Applicant is advised that the power of attorney filed 26 May 2009 has been accepted. This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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

01 SEP 2009

Mr. Loren Hart
4254 Indigo Drive
San Jose, CA 95136

In re Application of
POPP, et al.
U.S. Application No.: 11/665,027
PCT No.: PCT/US05/37113
Int. Filing Date: 17 October 2005
Priority Date: 15 October 2004
Attorney Docket No.: 12832/100229
For: ONE TIME PASSWORD

Dear Mr. Hart:

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

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 17 October 2005 under 35 U.S.C. 363, and will be given a date of **06 May 2009** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Applicant is advised that the power of attorney filed 26 May 2009 has been accepted. This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

14 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

In re Application of	:	
POPP, et al.	:	
U.S. Application No.: 11/665,027	:	
PCT No.: PCT/US05/37113	:	SUPPLEMENTAL
Int. Filing Date: 17 October 2005	:	DECISION
Priority Date: 15 October 2004	:	
Attorney Docket No.: 12832/100229	:	
For: ONE TIME PASSWORD	:	

This decision supplements the decision mailed 01 September 2009 granting applicant's renewed petition under 37 CFR 1.47(a). The decision has been corrected to properly identify the non-signing inventor, Loren Hart.

BACKGROUND

On 12 May 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Loren Hart. Applicant was afforded two months to file any request for reconsideration.

On 12 August 2009, applicant filed the present renewed petition accompanied by a petition for a one-month extension of time. The response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 12 May 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. All applicant previously satisfied items 1, 3 and 4. With the filing of the present renewed petition and accompanying papers, applicant has satisfied the remaining fourth item and it is appropriate to grant the renewed petition under 37 CFR 1.47(a).

Specifically, applicant has detailed efforts to present the non-signing inventor with a complete set of application papers and declaration for execution. Applicant has included a firsthand account of the preparation and mailing of the papers which to date have not generated a response from the non-signing inventor.

Accordingly, applicant has satisfied all four items detailed above and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 17 October 2005 under 35 U.S.C. 363, and will be given a date of **06 May 2009** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Applicant is advised that the power of attorney filed 26 May 2009 has been accepted. This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Koichiro Shinozaki	: DECISION ON REQUEST FOR
Patent Number	: 7657359	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/665,054	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2009	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

SEP 23 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
TOJIMA, MASAYOSHI, et al.
Application No. 11/665,063
Filed: April 11, 2007
Attorney Docket No. 2007_0489A

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 July 21, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

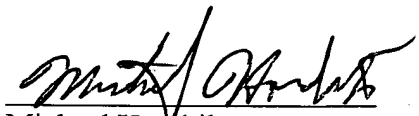
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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.



Michael Horabik
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
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/665,092	04/10/2007	Koichi Ono	450100-05719	6306

7590 05/27/2009

William S. Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER	
ART UNIT	PAPER NUMBER
2816	
MAIL DATE	DELIVERY MODE
05/27/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

28 NOV 2007

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

CHIEF PATENT COUNSEL
UNITED STATES SURGICAL,
A DIVISION OF TYCO HEALTHCARE GROUP LP
195 McDERMOTT ROAD
NORTH HAVEN, CT 06473

In re Application of SCIRICA et al	:	
U.S. Application No.: 11/665,108	:	
PCT Application No.: PCT/US2004/013291	:	
Int. Filing Date: 29 April 2004	:	DECISION
Priority Date Claimed: 29 April 2003	:	
Attorney Docket No.: 2962 PCT US (203-4154 PCT US)	:	
For: SURGICAL STAPLING DEVICE WITH DISSECTING TIP	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b) and PCT Art 48(2), and PCT Rule 82bis" filed 11 April 2007.

BACKGROUND

On 29 April 2004, applicant filed international application PCT/US2004/013291, which claimed priority of an earlier United States application filed 29 April 2003. The thirty-month period for paying the basic national fee in the United States expired on 29 October 2005.

International application PCT/US2004/013291 became abandoned as to the United States for failure to timely pay the basic national fee.

On 11 April 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

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

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

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

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS MN 55458-1336

MAILED

JAN 29 2009

OFFICE OF PETITIONS

Applicant: Cavallin
Appl. No.: 11/665,144
International Filing Date: October 12, 2005
Title: HEAT RESISTANT COATING COMPOSITIONS, COATED ARTICLES, AND METHODS
Attorney Docket No.: 28700130101
Pub. No.: US 2008/0096024 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 20, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the title and in dependent claim 19.

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 errors noted by requestor in the specification are not material Office errors under 37 CFR 1.221. The title of the invention wherein "Heat-Resistant Coating Compositions, Coated Articles, And Methods" is misprinted as "Heat Resistant Coating Compositions, Coated Articles, And Methods" is not a material error by the Office and it does not affect the public's ability to appreciate the technical disclosure of the patent application. As to the chemical compound in dependent claim 19, the text was not printed correctly due to the quality of the text. This error is due to the quality of the text, as the letters are very small and the superscript "n" is very faint and small. See 37 CFR 1.52.

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

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. The text with respect to the superscripts and subscripts are very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

It is noted that the Application Data Sheet (ADS) lists the title as "HEAT RESISTANT COATING COMPOSITIONS, COATED ARTICLES, AND METHODS".

On November 19, 2007, a Filing Receipt was mailed by the Office, which listed the title as "Heat Resistant Coating Compositions, Coated Articles, and Methods". 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.

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 any questions or request for reconsideration of the decision should be addressed as follows:

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

12 AUG 2008

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

MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.
29 THANET ROAD, SUITE 201
PRINCETON, NJ 08540

In re Application of CRAVOTTO et al	:	
U.S. Application No.: 11/665,168	:	
PCT Application No.: PCT/IB2005/003028	:	DECISION
Int. Filing Date: 12 October 2005	:	
Priority Date Claimed: 15 October 2004	:	
Attorney Docket No.: 833-146 US	:	
For: PROCESS FOR THE DEGRADATION AND/OR DETOXIFICATION OF CHEMICAL AND BIOLOGICAL POLLTANTS	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 25 July 2008.

BACKGROUND

On 12 October 2005, applicant filed international application PCT/IB2005/003028, which claimed priority of an earlier Italy application filed 15 October 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 April 2006. The thirty-month period for paying the basic national fee in the United States expired on 15 April 2007.

On 12 April 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 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 January 2008, international application PCT/IB2005/003028 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 25 July 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

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

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

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

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 October 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 July 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

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

03 AUG 2007

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	:	DECISION ON
Livshitz et al	:	
Application No.: 11/665,171	:	
PCT No.: PCT/CA2005/01563	:	
Int. Filing Date: 12 October 2005	:	PETITION UNDER
Priority Date: 12 October 2004	:	
Attorney's Docket No.: 40725US2	:	
For: STRUCTURED LOW-DENSITY	:	
PARITY-CHECK (LDPC) CODE	:	37 CFR 1.10 (e)

This is in response to petitioner's "Petition Under 37 CFR 1.10(e)" filed 18 June 2007, requesting that the above-identified international application be considered as received in the United States Patent and Trademark Office (USPTO) on 12 April 2007. No petition fee is required.

BACKGROUND

On 18 June 2007, petitioner filed the present petition that states that the following that the application was deposited by Express Mail procedure on April 12, 2007. Petitioner states that this petition is being filed promptly after petitioner became aware the UPTO had no evidence of receipt of the correspondence and petitioner had not received the postcard from the USPTO. A call was placed on June 13, 2007 to the PCT Help Desk to inquire if the application had been received, and that after a search it was determined at the time the USPTO had no record of receiving the application.

Petitioner states that this petition includes a complete "copy" of the originally deposited papers that constituted the correspondence, showing the number (EM050850362US) of the "Express Mail."

DISCUSSION

A review of the file reveals that applicant's originally filed papers were timely received in the USPTO on 12 April 2007, and the application is currently undergoing preexam processing.

The National Stage papers were received by the USPTO on **12 April 2007**.

Moreover, the end result for an international application (PCT/CA2005/001563) designating the United States is a single U.S. national stage application. Therefore, the existence of two U.S. national stage applications (docket numbers 40725US1 and 40725US2) for a single international application would be improper.

CONCLUSION

The petition under 37 CFR 1.10(e) is **MOOT.**

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

07 OCT 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	:	DECISION ON
Livshitz et al	:	
PCT No.: PCT/CA2005/01563	:	
Application No.: 11/665,171	:	PETITION UNDER
Int. Filing Date: 12 October 2005	:	
Priority Date: 12 October 2004	:	
Attorney's Docket No.: 40725US2	:	37 CFR 1.47(a)
For: STRUCTURED LOW-DENSITY	:	
PARITY- CHECK (LDPC) CODE	:	

This decision is in response to petitioner's "Petition Under 37 CFR 1.47(a)" submitted on 29 July 2008, requesting the acceptance of the application without the signature of the inventor Michael Livshitz. Petitioner has submitted the requisite **$200** petition fee.

BACKGROUND

In a decision from Office on 03 August 2007, the petition filed on 18 June 2007 was granted. The decision stated that National Stage papers were received by the USPTO on 12 April 2007. However, no executed declaration or oath was submitted at such time.

On 29 January 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 the International application number and international filing date" The notification further stated that all items must be submitted within two months from the date of mailing or by 32 months from the priority date for the application 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), petitioner, inter alia, filed on 29 July 2008, a petition under 37 CFR 1.47, a Declaration executed by Aleksander Purkovic, Nina Burns, Sergey Sukhobok, and Muhammad Chaudhry on their behalf and on behalf on the nonsigning inventor, Michael Livshitz.

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 requirements (1), (3), and (4) of 37 CFR 1.47(a). However, requirement (2) has not been satisfied.

In this case, although it has been sufficiently demonstrated that a copy of the application papers were presented to the nonsigning inventor, Michael Livshitz, it appears that he was given sufficient time to review, sign and return the papers. Petitioner states that Ms. Christine Warner spoke to Mr. Livshitz in March 2008 and a copy of application papers were sent to him but no evidence of this has been presented. The record shows that petitioner mailed a copy of the application papers on July 7, 2008 to Mr. Livshitz and requested that they be signed and returned by July 20, 2008. When the petition was filed on July 29, 2008 the papers had not been returned but this time period is too short for the nonsigning to review and sign the papers since petitioner basically gave him less than a month to review and sign the papers.

Accordingly, the current record does not support the premise that Mr. Livshitz's conduct constitutes refusal since he was not given enough time to review the documentation and to reply. Petitioner should have given Mr. Livshitz more time to response before filing the petition.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration 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).

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) 273-0459

2 2 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
www.uspto.gov

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	DECISION ON
Livshitz et al	
Application No.: 11/665,171	
PCT No.: PCT/CA2005/01563	PETITION UNDER
Int. Filing Date: 12 October 2005	
Priority Date: 12 October 2004	
Attorney's Docket No.: 40725US2	37 CFR 1.47(a)
For: STRUCTURED LOW-DENSITY PARITY- CHECK (LDPC) CODE	

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 07 January 2009. The petition fee has been paid.

BACKGROUND

In a decision from this Office on 07 October 2008, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 07 January 2009, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 07 October 2008 with respect to accepting the above application without the signature of Mr. Livshitz.

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.

The renewed petition of 07 January 2009 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the statement by Steven J. Solomon, who has first-hand knowledge of the facts of the previous petition, has provided a statement outlining the steps he took to mail the application papers to the non-signing inventor Michael Livshitz on July 7, 2008 and December 1, 2008. As of the filing of the petition, Mr. Livshitz has failed to return the required documents signed.

Consequently, at this time it can be concluded that Mr. Livshitz has refused to sign the documents.

Petitioner has now satisfied item (2) 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**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **29 July 2008.**

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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

22 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
www.uspto.gov

Michael Livshitz
13789 Lambertina Place
Rockville, MD 20850

In re Application of
Livshitz et al
PCT No.: PCT/CA2005/01563
Application No.: 11/665,171
Int. Filing Date: 12 October 2005
Priority Date: 12 October 2004
Attorney's Docket No.: 40725US2
For: STRUCTURED LOW-DENSITY PARITY- CHECK (LDPC) CODE

Dear: Mr. Livshitz

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

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

Waddey & Patterson, P.C.
1600 Division Street, Suite 500
Nashville, TN 37203

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Vernon D. Price	:	
Application No. 11/665,203	:	DECISION ON PETITION
Filed: May 2, 2008	:	TO WITHDRAW
Attorney Docket No. N2736US (N4136)	:	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 January 19, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Emily A. Shouse: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Trico Products Corporation of Tennessee
101 Evergreen Drive
Springfield, TN 37142

0 6 FEB 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

In re Application of BOMAN et al	:	
U.S. Application No.: 11/665,218	:	
PCT Application No.: PCT/SE2005/001618	:	
Int. Filing Date: 28 October 2005	:	
Priority Date Claimed: 28 October 2004	:	DECISION
Attorney Docket No.: 10400-000309/US	:	
For: LOAD SECURITY DEVICE COMPRISING A COUPLING DEVICE WITH SNAP ACTION	:	

This is in response to applicant's "Petition Under 37 CFR 1.147(a)" filed 21 December 2007.

BACKGROUND

On 28 October 2005, applicant filed international application PCT/SE2005/001618, which claimed priority of an earlier Sweden application filed 28 October 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 04 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 April 2007.

On 12 April 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 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 December 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 David Hsieh refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Mr. Hsieh for signature (see affidavit of Lisbeth Pfister, ¶b, and copies of delivery confirmation reports). However, the petition does not sufficiently establish that Mr. Hsieh refuses to sign. In particular, although Mr. Hsieh purportedly made either an oral or written refusal to sign to Torbjörn Karlsson and Johan Bergman, affidavits from Mr. Karlsson and Mr. Bergman have not been provided. Statements based on hearsay are not acceptable. Thus, it would not be reasonable to conclude at the present time that Mr. Hsieh refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states 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

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

11 APR 2008

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

In re Application of BOMAN et al :
U.S. Application No.: 11/665,218 :
PCT Application No.: PCT/SE2005/001618 :
Int. Filing Date: 28 October 2005 :
Priority Date Claimed: 28 October 2004 : DECISION
Attorney Docket No.: 10400-000309/US :
For: LOAD SECURITY DEVICE COMPRISING A COUPLING DEVICE WITH SNAP ACTION :

This is in response to applicant's "Second Petition Under 37 CFR 1.147(a)" filed 07 April 2008.

BACKGROUND

On 28 October 2005, applicant filed international application PCT/SE2005/001618, which claimed priority of an earlier Sweden application filed 28 October 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 04 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 April 2007.

On 12 April 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 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 December 2007, applicant filed a petition under 37 CFR 1.47(a).

On 06 February 2008, this Office mailed a decision dismissing the 21 December 2007 petition.

On 07 April 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.

Applicant has previously satisfied items (1), (3), and (4) 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 David Hsieh refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Mr. Hsieh for signature (see affidavit of Lisbeth Pfister, ¶b, and copies of delivery confirmation reports). Furthermore, the petition sufficiently establishes that Mr. Hsieh refuses to sign. In particular, Mr. Hsieh made an express oral refusal to sign during a conversation with Johan Bergman on 03 December 2007 (see Bergman affidavit, ¶4(b)). Additionally, Mr. Hsieh made other express oral refusals to sign during conversations with Torbjörn Karlsson (see Karlsson affidavit, ¶4(b)). Thus, it can be concluded with reasonable certainty that Mr. Hsieh refuses to join in the application.

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 28 October 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 December 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

UNITED STATES PATENT AND TRADEMARK OFFICE

08 JUL 2008

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

02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
ERICSSON *et al* :
U.S. Application No.: 11/665,225 :
PCT No.: PCT/SE2005/001542 :
Int. Filing Date: 14 October 2005 : **DECISION**
Priority Date: 14 October 2004 :
Attorney Docket No.: 0104-0620PUS1 :
For: DRIVER FOR A TWIN CUTTING :
DEVICE WITH COUNTER ROTATING :
BLADES :

This decision is in response to applicants' "Petition Under 37 CFR § 1.47(a)" filed 06 May 2008.

BACKGROUND

On 06 March 2008, the DO/EO/US 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) was required. Applicants were given two months to respond with extensions of time available.

On 06 May 2008, applicants filed a response which was accompanied by, *inter alia*, the subject petition; the $200.00 petition fee; a declaration signed by the legal representative of a deceased inventor on behalf of the nonsigning inventor; and documentary evidence in support of the petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that joint inventor Hans Ericsson refuses to cooperate in the above-identified application and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 06 March 2008.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors. Items (1), (3) and (4) are satisfied with this petition.

Concerning item (1), the petition fee of $200.00 has been paid.

With regards to item (3), the last known address of the nonsigning inventor Hans Ericsson is given as:

Vickleby bygata 41,
386 93, Färjestaden
Sweden

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by Niraj Bhukhanwala, a legal representative of deceased co-inventor, Pankaj Bhukhanwala on behalf of herself and the nonsigning joint inventor. This declaration is considered 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.

The citizenship, residence and address of the nonsigning inventor and the deceased inventor are both 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 legal representative of the deceased inventor are also listed on the declaration as required by 37 CFR 1.497(b)(2). As such, the papers filed under 37 CFR 1.42 are accepted.

This declaration meets the requirements of section 409.03(a) of the MPEP and is in compliance with 37 CFR 1.497(a) and (b).

However, with regards to item (2), the 37 CFR 1.47(a) applicants submitted evidence indicating that certain documents (attested to by Mr. Erik Simonsson in an accompanying Statement of Facts) including a complete copy of the above-captioned application and a declaration was received by Hans Ericsson on 02 April 2008. A response from Mr. Ericsson in the form of an email was received that same day. Petitioners have submitted copies of the 02 April 2008 email response and a postal receipt for the documents sent to the nonsigning inventor along with an accompanying English translation of each.

A review of the email response from Mr. Ericsson indicates that the refusal to join refers to PC-US-21031586 and PC-US-21032157. It is unclear that Mr. Ericsson is discussing the subject application. These references are not listed in the Application Data Sheet, as an attorney docket number, and are not discussed in the Statement of Facts. Moreover, petitioners did not include a copy of the cover letter submitted to Mr. Ericsson which could corroborate that a copy of the subject application was provided to the nonsigning inventor.

For these reasons, the email response by Mr. Ericsson is not accepted as a written refusal to cooperate. Further evidence that a complete copy of the subject application was sent and received by the nonsigning inventor is required. The statement by Mr. Simonsson is not sufficient in this regard due to the unknown references made by Mr. Ericsson in his email.

Item (2) of 37 CFR 1.47(a) is not yet 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. Extensions of time under 37 CFR 1.136(a) are available.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 DEC 2008

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

02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
ERICSSON *et al* :
U.S. Application No.: 11/665,225 :
PCT No.: PCT/SE2005/001542 :
Int. Filing Date: 14 October 2005 : **DECISION**
Priority Date: 14 October 2004 :
Attorney Docket No.: 0104-0620PUS1 :
For: DRIVER FOR A TWIN CUTTING :
DEVICE WITH COUNTER ROTATING :
BLADES :

This decision is in response to applicants' "Reply to Decision on Petition Under 37 CFR § 1.47(a)" filed 05 September 2008.

BACKGROUND

On 08 July 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was filed. Applicants were given two months to respond.

On 05 September 2008, applicants filed a response along with a supplemental statement of facts and a copy of a letter in a foreign language.

DISCUSSION

In the decision mailed 08 July 2008, applicants failed to satisfy item (2) of 37 CFR 1.47(a). The 37 CFR 1.47(a) applicants were requested to explain the references Mr. Ericsson discussed in his email and to provide evidence that a complete copy of the subject application was received by the nonsigning inventor.

In the response, petitioners have included a supplemental statement of facts by Eric Simonsson who explains that PC-US-21031586 is a reference for the above-captioned application. This explanation is sufficient to understand the email sent by the nonsigning inventor on 02 April 2008.

The 37 CFR 1.47(a) applicants also provided a letter dated 28 March 2008 as proof that Mr. Ericsson received a complete copy of the subject application prior to his purported written refusal. However, the letter is in a foreign language without an accompanying English translation.

The Office will not accept a foreign language document as evidence without an accompanying English translation.

Accordingly, item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' renewed 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 under 37 CFR 1.136(a) are available.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 APR 2009

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

02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
ERICSSON *et al* :
U.S. Application No.: 11/665,225 :
PCT No.: PCT/SE2005/001542 :
Int. Filing Date: 14 October 2005 : **DECISION**
Priority Date: 14 October 2004 :
Attorney Docket No.: 0104-0620PUS1 :
For: DRIVER FOR A TWIN CUTTING :
DEVICE WITH COUNTER ROTATING :
BLADES :

This decision is in response to applicants' "Reply to Decision on Petition Under 37 CFR § 1.47(a)" filed 09 February 2009.

BACKGROUND

On 10 December 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was filed. Applicants were given two months to respond.

On 09 February 2009, applicants filed the subject response which included an English translation of a letter previously submitted.

DISCUSSION

The prior decision noted that the letter dated 28 March 2008 submitted as proof that Mr. Ericsson received a complete copy of the subject application prior to his purported written refusal was not acceptable. The letter was provided in a foreign language without an accompanying English translation. In the renewed response, applicants have provided an English translation of the letter as requested.

A review of the evidence shows that a complete copy of the application was provided to the nonsigning inventor on 28 March 2008. Thus, the e-mail from Mr. Ericsson dated 02 April 2008 is considered a written refusal to cooperate as contemplated in section 409.03(d) of the MPEP. The references in the e-mail were previously addressed as a reference for the above-captioned application.

All items of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 October 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 06 May 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 APR 2009

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

Hans Ericsson
Vickleby bygata 41,
386 93, Färjestaden
Sweden

In re Application of
ERICSSON *et al*
U.S. Application No.: 11/665,225
PCT No.: PCT/SE2005/001542
Int. Filing Date: 14 October 2005
Priority Date: 14 October 2004
Attorney Docket No.: 0104-0620PUS1
For: DRIVER FOR A TWIN CUTTING DEVICE WITH COUNTER ROTATING BLADES

Mr. Ericsson:

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. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

U.S. Counsel: BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

0 9 NOV 2007

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

Emily A. Shouse
WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE TN 37203

In re Application of	:	
PRICE, et al.	:	
PCT No.: PCT/US05/37213	:	DECISION ON PETITION
Application No.: 11/665,237	:	
Int. Filing Date: 14 October 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 15 October 2004	:	
Atty. Docket No.: N4137	:	
For: SELF-CALIBRATING OBJECT DETECTION SYSTEM	:	

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 07 November 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 October 2005, applicant filed international application PCT/US05/37213 which claimed priority to an earlier application filed 15 October 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 15 April 2007.

On 12 April 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).

On 08 August 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 07 November 2007, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of co-inventor Brian K. Bell accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee. The 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. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 14 October 2005 under 35 U.S.C. 363, and will be given a date of **07 November 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

0 9 NOV 2007

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. Brian Bell
2009 Skyhawk Court
White House, TN 37188

In re Application of
PRICE, et al.
PCT No.: PCT/US05/37213
Application No.: 11/665,237
Int. Filing Date: 14 October 2005
Priority Date: 15 October 2004
Atty. Docket No.: N4137
For: SELF-CALIBRATING OBJECT DETECTION SYSTEM

Dear Mr. Bell:

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

Emily A. Shouse
WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE TN 37203

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

JUN 2 8 2010

OFFICE OF PETITIONS

In re Application of
STEFAN SCHAEFER
Application No. 11/665,241
Filed: April 12, 2007
Attorney Docket No. **2004P12410 (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 28, 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

27 MAR 2008

United States Patent and Trademark Office

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

The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

In re Application of	:	
So et al.	:	
Application No.: 11/665,246	:	
PCT No.: PCT/US05/36453	:	
Int. Filing Date: 12 October 2005	:	DECISION
Priority Date: 13 October 2004	:	
Attorney Docket No.: 63965A US	:	
For: Aqueous Developable Benzocyclobutane-Based Polymer Composition And Method Of Use Of Such Composition	:	

This is in response to the correspondence filed on 29 February 2008.

DISCUSSION

This international application was filed on 12 October 2005 and claimed a priority date of 13 October 2004. The United States was designated. The International Bureau published the international application on 27 April 2006. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 13 April 2007. On 12 April 2007, applicants filed *inter alia* the basic national fee.

On 31 December 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 a surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the declaration of the inventors filed on 29 February 2008 reveals that it has been altered to nominate "Kayla J. Gallant" in place of "BARANEK, Kayla J." who was named in the published international application. 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. *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.

It is noted that the declaration document filed on 29 February 2008 is defective for the further reason that it appears to have been compiled by attaching a sheet signed by Yongfu Li to a (faxed) page signed by the remaining inventors. As such, it is not clear whether each of the inventors signed a declaration nominating the complete inventive entity.

DECISION

The declaration filed on 29 February 2008 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
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

15 SEP 2008

United States Patent and Trademark Office

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

The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

In re Application of
So et al.
Application No.: 11/665,246
PCT No.: PCT/US05/36453
Int. Filing Date: 12 October 2005
Priority Date: 13 October 2004
Attorney Docket No.: 63965A US
For: Aqueous Developable Benzocyclobutane-Based Polymer Composition And Method Of Use Of Such Composition

DECISION

This is in response to the correspondence filed on 20 August 2008.

DISCUSSION

In a Decision mailed on 27 March 2008, applicants were advised that

Inspection of the declaration of the inventors filed on 29 February 2008 reveals that it has been altered to nominate "Kayla J. Gallant" in place of "BARANEK, Kayla J." who was named in the published international application. 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. 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.

It is noted that the declaration document filed on 29 February 2008 is defective for the further reason that it appears to have been compiled by attaching a sheet signed by Yongfu Li to a (faxed) page signed by the remaining inventors. As such, it is not clear whether each of the inventors signed a declaration nominating the complete inventive entity.

In response, applicants have filed a new declaration document. Inspection of the declaration filed on 20 August 2008 reveals that it nominates "Kayla J. Gallant (nee Baranek)" in place of "BARANEK, Kayla, J." nominated in the published international application. This change in the inventor's name clearly represents more than a mere typographic or transliteration error and, as such, a proper petition under 37 CFR 1.182 is required in order for a declaration showing the name change to be accepted. *See* MPEP §§ 605.04(b) and 605.04(c).

It is also observed that the declaration appears to have been assembled by combining separately signed sheets to arrive at the document submitted (as opposed to submitting complete copies of each declaration as signed, each listing the complete inventive entity). Specifically, counsel has provided 3 copies of sheet 1 (each signed by different inventors), but one copy of sheet 2. MPEP 201.03 explains in part that

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they

must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

In view of the policy described at MPEP 201.03, it would not be appropriate to accept the declaration.

DECISION

The declaration filed on 20 August 2008 is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within either (1) the remaining portion of the period for response to the Decision mailed on 27 March 2008, as extended under 37 CFR 1.136(a), or (2) **ONE (1) MONTH** from the mail date of this decision (extensions of this one-month period are **NOT** available), whichever expires later. 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
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

United States Patent and Trademark Office

13 NOV 2008

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

The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

In re Application of
So et al.
Application No.: 11/665,246
PCT No.: PCT/US05/36453
Int. Filing Date: 12 October 2005
Priority Date: 13 October 2004
Attorney Docket No.: 63965A US
For: Aqueous Developable Benzocyclobutane-Based Polymer Composition And Method Of Use Of Such Composition

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 15 October 2008.

DISCUSSION

In a Decision mailed on 15 September 2008, applicants were advised that

> Inspection of the declaration filed on 20 August 2008 reveals that it nominates "Kayla J. Gallant (nee Baranek)" in place of "BARANEK, Kayla, J." nominated in the published international application. This change in the inventor's name clearly represents more than a mere typographic or transliteration error and, as such, a proper petition under 37 CFR 1.182 is required in order for a declaration showing the name change to be accepted. *See* MPEP §§ 605.04(b) and 605.04(c).
>
> It is also observed that the declaration appears to have been assembled by combining separately signed sheets to arrive at the document submitted (as opposed to submitting complete copies of each declaration as signed, each listing the complete inventive entity). Specifically, counsel has provided 3 copies of sheet 1 (each signed by different inventors), but one copy of sheet 2...
>
> In view of the policy described at MPEP 201.03, it would not be appropriate to accept the declaration.

In response, applicants have filed the instant petition, which references an attached "Affidavit of Kayla J. Gallant." Ms. Gallant states (in part) that "at the time of filing of said patent application my legal name was Kayla J. Baranek. On June 23, 2007, I was married and my legal name became Kayla J. Gallant. Thus as noted on the corrected Declaration and Power of Attorney submitted August 20, 2008, I signed my name as Kayla J. Gallant (nee Baranek)." In view of the totality of the evidence now of record, it would be appropriate the inventor's surname as Gallant.

Petitioner urges acceptance of the declaration filed on 20 August 2008 but, as noted in the Decision mailed on 15 September 2008, said declaration continues to be defective for the reason that it "appears to have been assembled by combining separately signed sheets to arrive at

the document submitted." However, the instant petition is accompanied by a declaration which is suitable for purposes of compliance with 37 CFR 1.497(a) and (b).

Applicants paid a petition in the amount of $130.00, but the applicable petition fee is $400.00. The $270.00 deficiency is being charged to Deposit Account 04-1512, per the authorization included in the petition.

DECISION

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

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 October 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

06 NOV 2008

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

23117
NIXON & VANDERHYE, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of :
STAINLAY *et al* :
U.S. Application No.: 11/665,255 :
PCT No.: PCT/AU2005/001316 :
Int. Filing Date: 30 August 2005 : **DECISION ON**
Priority Date: 30 August 2004 : **PETITION UNDER**
Docket No.: BHD-2829-13 : **37 CFR 1.137(b)**
For: A METHOD FOR AUTOMATED 3D IMAGING :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 12 April 2008 is hereby **GRANTED** as follows:

The proper fees and petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted on 05 June 2008. This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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.
11/665,283	04/13/2007	Kui Ming Chui	COLGRA P70AUS	8420

20210 7590 03/08/2010

DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD, NH 03301

EXAMINER	
MEHTA, BHAVESH M	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
03/08/2010	PAPER

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

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

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

DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of	:	
CHUI, KUI MING	:	DECISION ON REQUEST TO
Application No. 11/665,283	:	PARTICIPATE IN PATENT
Filed: April 13, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. **COLGRA P70AUS**	:	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 16, 2007 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(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 UKIPO 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 UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO 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 will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

_____

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D.T.

UNITED STATES PATENT AND TRADEMARK OFFICE

07 DEC 2009

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

The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

In re Application of: HERWEIJER et al.
U.S. Application No.: 11/665,292 : DECISION ON PETITION
PCT No.: PCT/NL2005/050015 :
Int. Filing Date: 14 October 2005 :
Priority Date: 15 October 2004 :
Attorney Docket No.: 3135-071643 :
For: DEVICE FOR REMOVING A TICK :

This decision is issued in response to applicant's "Letter" filed 27 August 2008. Applicant's request is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 14 October 2005, applicant filed international application PCT/NL2005/050015 which claimed a priority date of 15 October 2004. 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, 15 April 2007.

On 13 April 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 the international application; an application data sheet; and a preliminary amendment.

On 28 January 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 26 February 2009, applicant filed the present petition. Applicant states in the present petition that the applicant did not receive the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 28 January 2008.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant has provided a statement that the Form PCT/DO/EO/905 was never received; explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received; and provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable.

Further, applicant has provided a copy of the docket record which purportedly shows where the paper would have been entered had it been received. However, the printout of the docket report for this specific application is not sufficient to establish that the Notification of Missing Requirements was not received and mis-docketed to another application. Accordingly, applicant is required to provide docket records for 28 March 2008, indicating all applications for which a response was due on said date.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is DISMISSED.

If reconsideration of 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 1.181." No additional fee is required. Extensions of time under 37 CFR 1.136(a) are permitted.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office

of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 FEB 2010

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

The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

In re Application of: HERWEIJER et al.	:	
U.S. Application No.: 11/665,292	:	DECISION ON PETITION
PCT No.: PCT/NL2005/050015	:	
Int. Filing Date: 14 October 2005	:	
Priority Date: 15 October 2004	:	
Attorney Docket No.: 3135-071643	:	
For: DEVICE FOR REMOVING A TICK	:	

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.181" filed 04 February 2010. No petition fee is required.

BACKGROUND

On 14 October 2005, applicant filed international application PCT/NL2005/050015 which claimed a priority date of 15 October 2004. 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, 15 April 2007.

On 13 April 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 the international application; an application data sheet; and a preliminary amendment.

On 28 January 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 27 August 2008, applicant filed a petition under 37 CFR 1.181. In a decision dated 07 December 2009, applicant's petition under 37 CFR 1.181 was dismissed without prejudice.

On 04 February 2010, applicant filed the present renewed petition under 37 CFR 1.181. Applicant states in the present petition that the applicant did not receive the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 28 January 2008.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant has provided a statement that the Form PCT/DO/EO/905 was never received; explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received; and included a copy of the relevant docket record. Further, applicant has provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable. Thus, applicant has provided the proper showing necessary to withdraw the holding of abandonment and the petition may be properly granted.

CONCLUSION

Applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is GRANTED.

A declaration/power of attorney in compliance with 37 CFR 1.497(a)-(b) was received in the United States Patent and Trademark Office on 27 August 2008. This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

2 3 SEP 2008

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

CONNOLLY BOVE LODGE HUTZ, LLP
PO BOX 2207
WILMINGTON, DE 19899

In re Application of:	:	
GRASBOCK, Rosemaria, et al.	:	DECISION ON PETITION TO
U.S. Application No.: 11/665,304	:	CHANGE INVENTOR'S NAME
PCT No.: PCT/EP2005/010564	:	(37 CFR 1.182)
International Filing Date: 30 September 2005	:	
Priority Date: 13 October 2004	:	
Attorney Docket No.: 11885-00085-US	:	
For: AQUEOUS EPOXY RESIN SYSTEMS	:	

This decision is issued in response to applicants' "Response To Notice To File Missing Parts Of Application" filed 08 February 2008, treated herein as a petition under 37 CFR 1.182 to change the name of record for inventor Manfred GERLITZ to Martin GERLITZ. Deposit Account No. 03-2775 will be charged the required $400 petition fee.

BACKGROUND

On 30 September 2005, applicants filed international application PCT/EP2005/010564. The application claimed a priority date of 13 October 2004, and it designated the United States. On 20 April 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., 13 April 2007. The published international application identified the third inventor as Manfred GERLITZ.

On 12 April 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an Application Data Sheet ("ADS") and an executed declaration.

On 12 December 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 declaration filed on 12 April 2006 was defective because it referenced a different international application number and title.

On 08 February 2008, applicants filed the "Response To Notice To File Missing Parts Of Application" considered herein The Response included payment of the required surcharge and a revised declaration and ADS. The Response noted that the international application incorrectly

the error was made and when the error was discovered, and indicating that the error was made without deceptive intent.[1]

Applicants' present petition includes the required petition fee. The petition also indicates that the correct name of the inventor is Martin GERLITZ and that the listing of the inventor as Manfred GERLITZ on the international application resulted from an error made during preparation of the Request (Form PCT/RO/101). However, the petition does not include the required statement from the inventor confirming these facts and expressly stating that the error occurred without deceptive intent. In addition, it does not appear that the person signing the present petition has firsthand knowledge regarding the error discussed (such counsel was not of record during the filing of the international application). Moreover, unlike the previously filed declaration, the declaration executed by Mr. GERLITZ submitted with the present petition lists the inventor's name as Manfred GERLITZ, not Martin GERLITZ. This raises a conflict which must be explained by Mr. GERLITZ in his statement and requires submission of a new declaration executed by Mr. GERLITZ in which his name is properly identified.

Based on the above, applicants have failed to provide all the requirements for a grantable petition under 37 CFR 1.182 to correct the name of record for the third inventor from Manfred GERLITZ to Martin GERLITZ. Accordingly, on the present record, correction of the name of the third inventor from Manfred GERLITZ to Martin GERLITZ is not appropriate. In addition, applicants have not provided an adequate explanation for why the name of this inventor differs in the declaration filed 08 February 2008 and the declaration filed 19 August 2008.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Manfred GERLITZ to Martin GERLITZ is date 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 1.182" and include the materials required to satisfy the remaining requirements of a grantable petition, as discussed above.

No additional petition fee is required.

Failure to file a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

[1] It is noted that, if the inventor's name has been changed since the filing of the international application, then MPEP section 605.04(c) requires "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."

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

10 MAR 2009

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

CONNOLLY BOVE LODGE HUTZ, LLP
PO BOX 2207
WILMINGTON, DE 19899

In re Application of:	:	
GRASBOCK, Rosemaria, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/665,304	:	PETITION TO CORRECT
PCT No.: PCT/EP2005/010564	:	INVENTOR'S NAME
International Filing Date: 30 September 2005	:	(37 CFR 1.182)
Priority Date: 13 October 2004	:	
Attorney Docket No.: 11885-00085-US	:	
For: AQUEOUS EPOXY RESIN SYSTEMS	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.182" filed 22 January 2009. No additional petition fee is required.

BACKGROUND

The background for this application was set forth in the Communication mailed on 21 May 2008 and the decision mailed 23 September 2008. The decision dismissed without prejudice applicant's petition under 37 CFR 1.182 to correct the name of record for the third inventor from Manfred GERLITZ to Martin GERLITZ. Specifically, the decision indicated that the following additional materials were required for a grantable petition: (1) a statement from the inventor whose name was being changed; (2) a newly executed declaration listing the correct name of this inventor; and (3) a firsthand statement regarding how the error was made and discovered.

On 22 January 2009, applicants filed the "Renewed Petition Under 37 CFR 1.182" considered herein (with required two-month extension fee).

DISCUSSSION

The renewed petition includes statements from inventor Martin GERLITZ and from the European Patent Attorney who supervised the filing of the international application. These statements provide an acceptable explanation regarding the error in the inventor's name and the inconsistency in the inventor's name in the declarations previously filed herein. The statements also confirm the correct name of the inventor and state that the error in the international application did not involve deceptive intent. In addition, applicants have provided a newly executed declaration which correctly identifies the third inventor as Martin GERLITZ.

The present submission, in combination with the previously filed materials, satisfies the requirements for a grantable petition to correct the name of the inventor under 37 CFR 1.182.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Manfred GERLITZ to Martin GERLITZ is **GRANTED**.

Based on this correction, the declaration filed on 22 January 2009 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 22 January 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
Tarrytown NY 10591

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of :
Zhang, et al. :
Application No. 11/665,313 : DECISION ON PETITION
Filed: April 13, 2007 :
Attorney Docket No. 5202 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 30, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed December 30, 2009. Accordingly, the date of abandonment of this application is March 31, 2010. A Notice of Abandonment was mailed on April 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00, the publication fee of $300.00, and a completed PTOL-85(b), (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

25 SEP 2007

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202
CHICAGO, IL 60606

In re Application of ANDRIEU et al
U.S. Application No.: 11/665,328
PCT Application No.: PCT/FR2005/002552
Int. Filing Date: 14 October 2005
Priority Date Claimed: 15 October 2004
Attorney Docket No.: 0579-1144
For: TEXTILE PROTECTION ELEMENT FOR A PLASTIC SUPPORT

DECISION

This is in response to the declaration filed 21 May 2007, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 14 October 2005, applicant filed international application PCT/FR2005/002552, which claimed priority of an earlier France application filed 15 October 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 27 April 2006. The thirty-month period for paying the basic national fee in the United States expired on 15 April 2007.

On 13 April 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, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

The declaration states that joint inventor Hubert Andrieu 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 is in compliance with 37 CFR 1.42 and 37 CFR 1.497.

CONCLUSION

For the reasons above, the 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 October 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 May 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

1 4 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
BAUMGARTNER, Johann et al.	:	
Application No.: 11/665,360	:	DECISION ON
PCT No.: PCT/EP2005/010448	:	
Int. Filing Date: 28 September 2005	:	PETITION
Priority Date: 13 October 2004	:	
Attorney Docket No.: 037068.58966US	:	UNDER 37 CFR 1.42
For: SELF-ENERGIZING DISK BRAKE AND CONTROL METHOD FOR A SELF-ENERGIZING BRAKE	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Ernst Dieter Bieker is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 05 September 2007, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and a translation of the application into English were required.

On 05 December 2007, applicants submitted a translation and a declaration of the inventors with the indication that a joint inventor was deceased.

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 CFR 1.42.

In this application, applicants have filed a declaration composed of one page 1 and two pages 2. While it is acceptable for inventors to execute separate copies of the oath or declaration, each oath or declaration must list the inventors and their citizenships and the legal representative must sign an oath or declaration that also lists the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration submitted to the Office must be as it was executed by the inventors and legal representative and pages from separate copies may not be pieced together to create a single composite declaration. MPEP 605.04(a). As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 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 CFR 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/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

09 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
www.uspto.gov

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

In re Application of	:	
BAUMGARTNER, Johann et al.	:	
Application No.: 11/665,360	:	DECISION ON
PCT No.: PCT/EP2005/010448	:	
Int. Filing Date: 28 September 2005	:	PETITION
Priority Date: 13 October 2004	:	
Attorney Docket No.: 037068.58966US	:	UNDER 37 CFR 1.42
For: SELF-ENERGIZING DISK BRAKE AND CONTROL METHOD FOR A SELF-ENERGIZING BRAKE	:	

This decision is in response to applicants' renewed Request For Status Under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 18 November 2008

BACKGROUND

On 14 October 2008, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicants' request for status.

On 18 November 2008, applicants submitted a declaration of the inventors.

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 CFR 1.42.

The 18 November 2008 declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of

Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

2 9 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
BAUMGARTNER, Johann et al.	:	
Application No.: 11/665,370	:	DECISION ON
PCT No.: PCT/EP2005/010447	:	
Int. Filing Date: 28 September 2005	:	PETITION
Priority Date: 13 October 2004	:	
Attorney Docket No.: 037068.58965	:	UNDER 37 CFR 1.42
For: SELF-ENERGIZING DISK BRAKE AND CONTROL METHOD FOR A SELF-ENERGIZING BRAKE	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Ernst Dieter is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 28 September 2005, applicants filed international application PCT/EP2005/010447, which claimed a priority date of 13 October 2004. A copy of the international application was transmitted to the Office by the International Bureau on 27 April 2006. The deadline for entry into the national stage in the United States was 13 April 2007.

On 13 April 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 06 September 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and an English translation of the application were required.

On 06 December 2007, applicants submitted, *inter alia*, a declaration of the inventors.

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 CFR 1.42.

The declaration lists the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497.

However, the declaration is defective. It is composed of one page 1, two pages 2. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy of the

oath or declaration as executed by the inventors must be submitted. See MPEP 605.04(a) (stating "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.")

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497(a)-(b) and 1.42 and the fee for filing the search fee, examination fee or oath or declaration after 30 months from the priority date, 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 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 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

0 3 DEC 2008

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

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

In re Application of :
BAUMGARTNER, Johann et al. :
Application No.: 11/665,370 : DECISION ON
PCT No.: PCT/EP2005/010447 :
Int. Filing Date: 28 September 2005 : PETITION
Priority Date: 13 October 2004 :
Attorney Docket No.: 037068.58965 : UNDER 37 CFR 1.42
For: SELF-ENERGIZING DISK BRAKE AND :
CONTROL METHOD FOR A :
SELF-ENERGIZING BRAKE :

This is a decision on applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 01 July 2008.

BACKGROUND

On 29 May 2008, the Office mailed Decision On Petition Under 37 CFR 1.42, dismissing applicant's request for status.

On 01 July 2008, applicants submitted this renewed petition.

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 CFR 1.42.

The 01 July 2008 submission of the declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being referred to the National Phase 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 01 July 2008.

/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

0 9 MAY 2008

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

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

In re Application of: TAY, Kwang, Guan, et al. :
U.S. Application No.: 11/665,374 :
PCT No.: PCT/AU2005/001541 : DECISION ON PETITION
International Filing Date: 06 October 2005 :
Priority Date: 06 October 2004 :
Atty Docket No.: 68113US371(229029) :
For: MILK PRODUCTION METHOD :

The petition for revival under 37 CFR 1.137(b) filed 12 April 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 06 April 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 was accompanied by 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. The petition also includes the required statement that the "entire delay in filing the required reply from the due day for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional."

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 United States is appropriately granted.

It is noted that, on 30 November 2007, applicants filed herein an executed declaration directed to the present application and payment of the small entity surcharge for filing the oath or declaration 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 30 November 2007.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21 SEP 2007

JENNIFER L. BALES
MOUNTAIN VIEW PLAZA
1520 EUCLID CIRCLE
LAFAYETTE CO 80026-1250

In re Application of:
MCFARLAND, Martin, Allen.
U.S. Application No.: 11/665,394
PCT No.: PCT/US2005/034086
International Filing Date: 20 September 2005
Priority Date: 20 September 2004
Atty Docket No.: C12.101.US
For: SYSTEMS AND METHODS FOR DRYING A PLURALITY OF DIVERSE ARTICLES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 13 April 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" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicant has 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 applicant's 13 April 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 13 April 2007.

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

13 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

22831
SCHWEITZER, CORNMAN, GROSS & BONDELL LLP
292 Madison Ave.
19th Floor
New York, NY 10017

In re Application of :
SATYANARAYANA *et al* :
U.S. Application No.: 11/665,405 :
PCT No.: PCT/IN2004/000285 :
Int. Filing Date: 13 September 2004 : **DECISION ON**
Priority Date: None : **PETITION UNDER**
Docket No.: 0288-043P/JAB : **37 CFR 1.137(b)**
For: PROCESS FOR THE PREPARATION :
OF POLYMORPHS, SOLVATED OF :
ARIPIPRAZOLE USING :
ARIPIPRAZOLE ACID SALTS :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 13 April 2007 is hereby **GRANTED** as follows:

The proper fees 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 submitted in the international application.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

12 SEP 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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

DAVID A. GREENLEE
P.O. BOX 340557
COLUMBUS OH 43234

In re Aplication of	:	DECISION ON
PRICE et al	:	
PCT No.: PCT/US2005/037190	:	
Application No: 11/665,431	:	
Int. Filing Date: 14 October 2005	:	PETITION UNDER
Priority Date: 14 October 2004	:	
Attorney's Docket No.: NA138	:	
For: SIDE MOUNTED VEHICLE MIRROR WITH ... DETECTION SYSTEM	:	37 CFR 1.47(a)

This is in response to the "PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS UNDER 37 CFR. 1.47(a)" filed on 26 June 2008. The petition fee of $200.00 has been charged to Deposit Account No: 07-1971 as stipulated in the petition.

BACKGROUND

On 14 October 2005, petitioner filed international application PCT/US2005/037190, which claimed priority to an earlier application filed 15 October 2004.

On 13 April 2007, petitioner 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 oath or declaration accompanied the above papers.

On 26 March 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" must be submitted within two (2) months from the date mailing or by 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 26 June 2008, petitioner filed the present petition, a declaration in support of filing on behalf of omitted inventor Brian k. Bell accompanied, inter alia, an executed Declaration without the signature of Mr. Bell and a declaration by Emily A. Shouse.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(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.

Petitioner has satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), petitioner has provided the fee under 37 CFR 1.17(g).

Regarding item (2), in this case, it has been sufficiently demonstrated as shown by the declaration of Emily A. Shouse that a copy of the application papers were mailed on April 6, 2007 and June 8, 2007, which were received by non-signing inventor, Mr. Bell. Mr. Bell responded on June 18, 2007 refusing to sign the documents.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Brian K. Bell
2009 Skyhawk Court
White House, Tennessee 37188

Regarding requirement 4, petitioner has provided an executed declaration signed by Vernon D. Price on his behalf and on the behalf of the nonsigning joint inventor Brian K. Bell.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **26 June 2008.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

12 SEP 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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

Brian K. Bell
2009 Skyhawk Court
White House, Tennessee 37188

In re Application of
PRICE et al
PCT No.: PCT/US2005/037190
Application No: 11/665,431
Int. Filing Date: 14 October 2005
Priority Date: 14 October 2004
Attorney's Docket No.: NA138
For: SIDE MOUNTED VEHICLE MIRROR WITH
... DETECTION SYSTEM

Dear Mr. Bell:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

DAVID A. GREENLEE
P.O. BOX 340557
COLUMBUS OH 43234

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Rocco Gonzalez Vaz	: DECISION ON REQUEST FOR
Patent Number	: 7628535	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/665,434	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

25 AUG 2008

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

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:
MATTERN et al.	:
U.S. Application No.: 11/665,443	:
PCT Application No.: PCT/EP05/03250	: PETITION FOR REFUND
Int. Filing Date: 23 March 2005	:
Priority Date: 12 October 2004	:
Atty. Docket No.: 163-738	:
For: DOSING CAP FOR BOTTLED LIQUIDS	:

This is a decision on applicant's petition entitled "REQUEST FOR REFUND" filed on 21 May 2008 and refiled on 13 August 2008 in the United States Patent and Trademark Office.

On 12 April 2007, applicant filed a transmittal letter to enter national stage along with the basic national fee in the amount of $300.

On 21 May 2008, more than three months after paying the basic national fee, applicant filed a request for refund of $695 for national fees paid on 12 April 2007 along with a small entity statement. On 13 August 2008, applicant filed a copy of the original request.

DISCUSSION

A review of the application file reveals that the original Request for Refund allegedly filed 06 June 2007 under 37 CFR 1.8 is not located in the application file.

37 CFR 1.8(b) states:

> 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 Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

On 13 August 2008, applicant has submitted a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing. Thus, Items (1), (2) and (3) above are satisfied.

The Request for Refund filed on 13 August 2008 is accepted in lieu of the originally

filed request filed 06 June 2007.

A review of the finance records reveals that applicant paid the basic national fee in the amount of $310. The small entity statement, filed on 06 June 2007, is deemed to meet the requirements of 37 CFR §1.27. Pursuant to 37 CFR §1.28(a) and (b)[1], applicant's request for a refund was filed within the three month period, required by the rule. Therefore, applicant's request is GRANTED.

For the reasons above, applicant's request for refund filed 06 June 2007 and refiled 13 August 2008 in the amount of $695 is GRANTED.

CONCLUSION

Therefore, applicants' petition under 37 CFR 1.8(b) is **GRANTED**. Applicant's request for refund in the amount of $695 is GRANTED.

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3286
Fax: (571) 273-0459

[1] 37 CFR 1.28 (a) *Refunds based on later establishment of small entity status.* A refund pursuant to §1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under §1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under §1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

(b) *Date of payment.* (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid;

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Sebastian Kurz	: DECISION ON REQUEST FOR
Patent Number	: 7594368	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/665,464	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **247** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

27 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Connolly Bove Lodge & Hutz, LLP
P.O. Box 2207
Wilmington, DE 19899

In re Application of :
STEBANI et al. :
Application No.: 11/665,482 :
PCT No.: PCT/EP05/10959 :
Int. Filing Date: 12 October 2005 : DECISION ON
Priority Date: 14 October 2004 : PAPERS UNDER 37 CFR 1.42
Attorney Docket No.: 13838-00008-US :
For: METHOD AND DEVICE FOR THE PRODUCTION OF PHOTOPOLYMERISABLE CYLINDRICAL JOINTLESS FLEXOGRAPHIC PRINTING ELEMENTS :

This decision is issued in response to the declaration filed 13 December 2007 which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 12 October 2005, applicants filed the above-identified international application which claimed a priority date of 14 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 April 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 16 April 2007. (14 April 2007 was a Saturday and 15 April 2007 was a Sunday.)

On 16 April 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a translation of the international application; and a preliminary amendment.

On 13 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(h). The notification set a two-month time limit in which to respond.

On 13 December 2007, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and the declaration considered herein. The declaration was executed by two of the three inventors and on behalf of the deceased inventor, Udo Metzmann, by Inge Raschke-Metzmann. An accompanying document entitled "Response to Notification of Missing Requirements" identifies Inge Raschke-Metzmann as the legal representative of the deceased inventor.

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 filed 13 December 2007 is executed by: Uwe Stebani and Uwe Krauss as inventors and an individual on behalf of the deceased inventor, Udo Metzmann. However, the declaration fails to identify the person signing the declaration for Udo Metzmann. In this case, the declaration should be executed by Inge Raschke-Metzmann as legal representative of the deceased inventor. Further, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration, as well as the mailing address and residence information of the legal representative.

Here, the "Declaration for Patent Application" filed 13 December 2007 includes the required citizenship of the deceased inventor. However, the "Declaration for Patent Application" fails to set forth the name of the person signing on behalf of the deceased inventor, does not identify the person signing on behalf of the deceased inventor as "a legal representative, and it does not include the citizenship, residence, and mailing address of the legal representative," as required by 37 CFR 1.497(b)(2).

The separate "Response to Notification of Missing Requirements" that was filed with the "Declaration For Patent Application" includes the additional information required by 37 CFR 1.497(b)(2). However, the "Response to Notification of Missing Requirements" is not properly executed pursuant to 37 CFR 1.68 and 37 CFR 1.497(a)(1) and therefore cannot be accepted as a supplemental declaration providing the additional information required.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) 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 Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

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

0 5 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Connolly Bove Lodge & Hutz, LLP
P.O. Box 2207
Wilmington, DE 19899

In re Application of :
STEBANI et al. :
Application No.: 11/665,482 :
PCT No.: PCT/EP05/10959 :
Int. Filing Date: 12 October 2005 : DECISION ON
Priority Date: 14 October 2004 : PAPERS UNDER 37 CFR 1.42
Attorney Docket No.: 13838-00008-US :
For: METHOD AND DEVICE FOR THE PRODUCTION OF PHOTOPOLYMERISABLE CYLINDRICAL JOINTLESS FLEXOGRAPHIC PRINTING ELEMENTS :

In a communication mailed by this Office on 27 May 2008, the declaration filed by applicant on behalf of deceased inventor Udo Metzmann was dismissed for failure to include all the information required under 37 CFR 1.497. (The declaration did not include the name, citizenship, residence, and mailing address of the legal representative.)

On 28 July 2008, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 28 July 2008 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Inge Raschke-Metzmann as "Legal Representative," states his/her relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

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

MAILED

FEB 24 2010

OFFICE OF PETITIONS

In re Application of :
Moller et al. :
Application No. 11/665,486 : ON APPLICATION FOR
Filed: October 11, 2007 : PATENT TERM ADJUSTMENT
Atty. Docket No. 7011.204-US :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 371(b) filed December 21, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is four hundred sixty-five (465) days, not two hundred eighty-seven (287) 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]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

---

[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.

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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
11/665,492	03/24/2008	Takashi Imai	FS-F03792-02	9892

7590 03/12/2009

TAIYO CORPORATION
401 HOLLAND LANE
#407
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2627	
MAIL DATE	DELIVERY MODE
03/12/2009	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.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sinnott, Jessica M.
E.I.Du Pont De Nemours and Company
Legal Patent Records Center
4417 Lancaster Pike
Wilmington DE 19805

COPY MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of

Joy Sawyer Bloom

Application No. 11/665,519

Filed: April 11, 2007

Attorney Docket No. CH2995USPCT

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), April 9, 2009, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1,620.00, and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed October 30, 2008. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on January 31, 2009. A Notice of Abandonment was mailed on February 25, 2009.

The issue and publication fees were received on April 9, 2009.

Form PTOL-85B, filed April 9, 2009, 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

17 JUL 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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

Michael W. Ferrell, Esq.
Ferrellis, PLLC
P.O. Box 312
Clifton, Virginia 20124-1706

In re Application of	:	
Goerlitz et al	:	DECISION ON
Application No.: 11/665,551	:	
PCT No.: PCT/EP2005/010981	:	
Int. Filing Date: 13 October 2005	:	PETITION UNDER
Priority Date: 18 October 2004	:	
Attorney Docket No.: 204tp01.us (TOP-07-1)	:	
For: POLYMER BLENDS FOR ...	:	
NUMBER OF DEFECTS	:	37 CFR 1.181

This decision is in response to applicant's "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371... (DO/EO/US))" filed on 11 January 2008. This is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 13 October 2005, applicants filed international application No. PCT/US2005/010981, which claims a priority date of 18 October 2004.

On 16 April 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 02 January 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 the International application number and filing date.

On 11 January 2008, applicants filed a "Response" stating that an executed declaration had been filed and received by the USPTO on 27 April 2007 as evidenced by the stamped USPTO postcard. A review of the declaration reveals that the section pertaining to the second named inventor, the name Anne-Meike SCHAUWIENOLD appears; this name did not appeared in the international application which is Anne-Meike SCHAUWIENHOLD.

On 19 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916).

DISCUSSION

It is unclear from the submission whether the name in the executed declaration 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, Anne-Meike SCHAUWIENOLD, does not correspond to that set forth in the international application, Anne-Meike SCHAUWIENHOLD.

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."

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 of Defective Response must be filed within ONE (1) MONTH from the mail date of this decision or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five (5) months.

Failure to timely submit the proper reply will result in abandonment of the application.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

16 SEP 2008

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

Michael W. Ferrell, Esq.
Ferrellis, PLLC
P.O. Box 312
Clifton, Virginia 20124-1706

In re Application of	:	
Goerlitz et al	:	DECISION ON
Application No.: 11/665,551	:	
PCT No.: PCT/EP2005/010981	:	
Int. Filing Date: 13 October 2005	:	PETITION UNDER
Priority Date: 18 October 2004	:	
Attorney Docket No.: 204tp01.us (TOP-07-1)	:	
For: POLYMER BLENDS FOR ...	:	
NUMBER OF DEFECTS	:	37 CFR 1.181

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.181" filed on 23 July 2008.

BACKGROUND

In a decision from this Office on 17 July 2008, the decision indicated that the application could not enter into national stage at that time since it was unclear the name of the second named inventor.

On 23 July 2008, this renewed petition was filed and states that the correct name of the second inventor is Anne-Meike SCHAUWIENOLD.

DISCUSSION

The correct name of the second named inventor is "Anne-Meike SCHAUWIENOLD" as explained in the petition and this name will be reflected in the US national stage processing. Applicants indicate that the mistake was merely a typographical error. As such, the correct name Anne-Meike SCHAUWIENOLD will be reflected in the U.S. national stage processing.

Applicants' response is accepted as a sufficient response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 19 February 2008.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

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. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **11 January 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

02 JAN 2009

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

Michael W. Ferrell, Esq.
Ferrellis, PLLC
P.O. Box 312
Clifton, Virginia 20124-1706

In re Application of	:	
Goerlitz et al	:	DECISION ON
Application No.: 11/665,551	:	
PCT No.: PCT/EP2005/010981	:	
Int. Filing Date: 13 October 2005	:	PETITION UNDER
Priority Date: 18 October 2004	:	
Attorney Docket No.: 204tp01.us (TOP-07-1)	:	
For: POLYMER BLENDS FOR ...	:	
NUMBER OF DEFECTS	:	37 CFR 1.181

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.181" filed on 03 October 2008 requesting the Date of Completion of all 35 USC 371 requirements is 27 April 2007, which is the date that the declaration was filed and not as stated in the PCT/DO/EO/903 (11 January 2008).

BACKGROUND

In a decision from this Office on 16 September 2008, the decision indicated that the 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is 11 January 2008.

On 03 October 2008, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed stating that the Date of Receipt of 35 USC 371 (c)(1), (c)(2), and (c)(4) requirements was 11 January 2008 and the Date of Completion of All 35 USC 371 Requirements is 11 January 2008.

On 03 October 2008, this petition was filed and states that the correct date of the submission of the declaration was April 27, 2007 and the 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is April 27, 2007.

DISCUSSION

Applicants' present petition accompanied by, *inter alia*, a copy of the following documents, filed purportedly with the PTO as indicated in the stamped postcard:

(1) Declaration/Power of Attorney (executed)
(2) Transmittal Letter

The postcard lists the items submitted on 27 April 2007, and it indicates that, inter alia, an executed declaration were submitted to the U.S. Patent Office on such date, and that this is a true copy of executed declaration filed o that date.

MPEP 503 provides:

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

Applicant's postcard is accepted as *prima facie* that, inter alia, that the declaration was submitted to the U.S. Patent Office on 27 April 2007.

DECISION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 03 October 2008 is **VACATED** with the mailing of this decision.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision that is, for issuance of a new Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C.§ 371 (c)(1), (c)(2), and (c)(4) date of **27 April 2007**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

26 NOV 2007

In re Application of :
Saxena et al. :
Application No.: 11/665,556 :
PCT No.: PCT/US05/32460 :
Int. Filing Date: 12 September 2005 : DECISION
Earlier Priority Date: 10 September 2004 :
Attorney Docket No.: 06007/42706 :
For: Betulinol Derivatives As Anti-Cancer Agents :

The petition to revive under 37 CFR 1.137(b) filed on 16 April 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 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 required reply in the form of the basic national fee, and has paid the petition 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.

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
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/665,637		Noboru Hayashi	106145-00121	1838

EXAMINER

7590 09/19/2008

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

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
09/19/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 05/04/2010

Applicant	: Dan Niculescu-Duvaz	: DECISION ON REQUEST FOR
Patent Number	: 7625922	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/665,640	: 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 **152** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

27 FEB 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

23552
MERCHANT & GOULD PC
P.O. Box 2903
Minneapolis MN 55402-0903

In re Application of
CARMINATI *et al*
U.S. Application No.: 11/665,665
PCT No.: PCT/ES2005/000542
Int. Filing Date: 13 October 2005
Priority Date: 19 October 2004
Attorney Docket No.: 15053.0066USWO
(formerly 0003582USU/2442)
For: PHARMACEUTICAL FORMULATION COMPRISING MICROCAPSULES OF STATINS SUSPENDED IN ALKYL ESTERS OF POLYUNSATURATED FATTY ACIDS (PUFA)

DECISION

This decision is in response to the "Revocation and Power of Attorney" filed on 18 December 2006. No petition fee is required.

DISCUSSION

Section 402.05 of the Manual of Patent Examining Procedure (MPEP) discusses revocation and states:

> Revocation of the power of attorney becomes effective on the date that the revocation is RECEIVED in the Office (not on the date of ACCEPTANCE).

Here, the request for revocation and power of attorney to the attorneys and/or patent agents associated with customer number 23552 was signed by both inventors. The correspondence address and docket number have also been changed.

CONCLUSION

Applicants' request for revocation has been **GRANTED**.

This application will be forwarded to the United States Designated/Elected Office

(DO/EO/US) for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682

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.
11/665,676	11/06/2007	Gerd Stahlecker	010971.58928US	1788

7590 10/10/2008

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

EXAMINER	
ART UNIT	PAPER NUMBER
3765	
MAIL DATE	DELIVERY MODE
10/10/2008	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

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

01 AUG 2007

25944
OLIFF & BERRIDGE, PLLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of :
KOBAYASHI *et al* :
U.S. Application No.: 11/665,735 :
PCT No.: PCT/JP2005/019377 :
Int. Filing Date: 21 October 2005 :
Priority Date: 21 October 2004 :
Attorney Docket No.: 132210 : **DECISION**
For: PARTICLE DEPOSITION :
APPARATUS, PARTICLE :
DEPOSITION METHOD, AND :
MANUFACTURING METHOD OF :
LIGHT-EMITTING DEVICE :

This decision is in response to the "Petition Under 37 C.F.R. §1.182 for Change of Name of Inventor" filed 26 June 2007.

BACKGROUND

On 20 April 2007, applicants filed papers to enter the national stage of PCT/JP2005/019377.

On 26 June 2007, applicants filed a petition under 37 CFR 1.182 to change the name of an inventor and an executed declaration.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Petitioners state that one of the inventors has changed her last name from TANI to IGUCHI and provided an executed declaration to that effect. Petitioners included an affidavit signed by the inventor listing both names and setting forth that the name change was the result of marriage.

Petitioners also submitted a $130.00 petition fee. However, the fee has changed to $400.00. The difference will be charged to Deposit Account No. 19-4195 as authorized.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted 26 June 2007 is in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 21 October 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 26 June 2007.

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

0 1 OCT 2007

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

TAIYO CORPORATION
401 HOLLAND LANE
#407
ALEXANDRIA VA 22314

In re Application of	:	
KATAYAMA et al.	:	
Application No.: 11/665,759	:	DECISION
PCT No.: PCT/JP2005/019299	:	
Int. Filing Date: 20 October 2005	:	
Priority Date: 20 October 2004	:	
Attorney Docket No.: FS-F03794-02	:	
For: OPTICAL RECORDING MEDIUM	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 13 July 2007 and applicants' submission filed 14 September 2007, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 20 October 2005, applicants filed international application PCT/JP2005/019299 which designated the U.S. and claimed a priority date of 20 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 April 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 April 2007.

On 20 April 2007, applicants filed a transmittal letter for entry into the national stage in the United States. The transmittal letter included an authorization to charge the basic national fee to Deposit Account 501322 but the transmittal letter was unsigned.

On 13 July 2007, applicants filed a petition under 37 CFR 1.137(b) along with a declaration of inventors and a signed authorization to charge any additional fees which may be required to Deposit Account 501322.

On 04 September 2007, 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 as to the United States for failure to pay the U.S. basic national fee by thirty months from the priority date.

On 14 September 2007, applicants filed a submission which has properly been treated as a petition under 37 CFR 1.181. The petition was accompanied by a copy of the petition under 37

CFR 1.137(b) and a USPTO date-stamped postcard receipt.

DISCUSSION

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), applicant submitted the basic national fee on 13 July 2007.

As to item (2), applicant submitted the petition fee on 13 July 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.

Petition Under 37 CFR 1.181

The submission originally filed 13 July 2007 is in the application file. Accordingly, the petition under 37 CFR 1.181 filed 14 September 2007 is moot. The NOTIFICATION OF ABANDONMENT mailed 04 September 2007 is hereby VACATED because it was mailed before the petition under 37 CFR 1.137(b) had been acted upon.

Declaration of Inventors

The declaration of inventors filed 13 July 2007 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.

The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 501322.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

The petition under 37 CFR 1.181 is **DISMISSED** as **MOOT** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 04 September 2007 is VACATED

for the reasons set forth above.

Regarding the declaration, applicants are required to file either a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or the requisite statement under 37 CFR 1.69(b) that the translation is accurate. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply 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
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

10/01/2007 SBASHEIR 00000006 501322 11665759
Sale Ref: 00000008 DA#: 501322 11665759
01 FC:1617 130.00 DA

DATE 8.20.07

APPLICATION NUMBER 11/665,762

DOC CODE PETDEC.OIPE

DOC DATE 8/20/07

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

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

20 AUG 2007

Martin & Henson, P.C.
9250 W. 5th Avenue, Suite 200
Lakewood, Colorado 80226

In re Application of :
DICKINSON, Kent H. :
Application No.: 11/665,762 : DECISION ON PETITION
PCT No.: PCT/US05/09400 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 18 March 2005 :
Priority Date: 18 March 2004 :
Attorney Docket No.: 2045 :
For: SHIPPING CONTAINER :

The petition to revive under 37 CFR 1.137(b) filed 16 April 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
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

2 3 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

In re Application of	:	
BEYERLEIN, et al.	:	
U.S. Application No.: 11/665,792	:	DECISION ON PETITIONS
PCT No.: PCT/EP05/55342	:	
Int. Filing Date: 18 October 2005	:	UNDER 37 CFR 1.181
Priority Date: 20 October 2004	:	
Attorney Docket No.: 11371/201	:	AND 37 CFR 1.137(b)
For: COMPUTED TOMOGRAPHY DEVICE	:	

This decision is in response to applicant's petition to withdraw the holding of abandonment filed 11 July 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 18 October 2005, applicant filed international application PCT/EP05/55342 which claimed priority of an earlier application filed 20 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 July 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, 20 April 2007.

On 18 April 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).

On 21 September 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 July 2008, applicant filed the petitions considered herein.

DISCUSSION

I. Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant has provided a statement that the Form PCT/DO/EO/905 was never received, explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received; and included a copy of the relevant docket record. However, applicant has not provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable. As such, it is not possible to grant applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment.

II. Petition Under 37 CFR 1.137(b)

Applicant has asked that in the alternative the petition be considered under 37 CFR 1.137(b).

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 was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicants have satisfied Items (2)-(4).

With regard to Item (1), the proper response is the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). A review of the declaration filed on 11 July 2008 reveals that the declaration is not in an acceptable form. Applicant has provided a defective executed composite declaration. Section 201.03(II)(B) of the Manual of Patent Examining Procedure states, in part,

> 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 declaration rather than combined into one declaration.

A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains duplicate sheets (see page 3). This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. 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

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

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

In re Application of	:	
BEYERLEIN, et al.	:	
U.S. Application No.: 11/665,792	:	DECISION ON PETITIONS
PCT No.: PCT/EP05/55342	:	
Int. Filing Date: 18 October 2005	:	UNDER 37 CFR 1.181
Priority Date: 20 October 2004	:	
Attorney Docket No.: 11371/201	:	
For: COMPUTED TOMOGRAPHY DEVICE	:	

This decision is issued in response to applicant's "Response to Decision on Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181(a) and MPEP 7111.03 or, in the Alternative, under 37 CFR 1.137(b) To Accept an Unintentionally Delayed Response" filed 24 November 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 18 April 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).

On 21 September 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

In a Decision dated 23 September 2008, applicant's petition under 37 CFR 1.181 and 37 CFR 1.137(b) filed 11 July 2008 were dismissed without prejudice.

On 24 November 2008, applicant filed "Response to Decision on Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181 and MPEP 7111.03 or, in the Alternative, under 37 CFR 1.137(b) To Accept an Unintentionally Delayed Response."

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant has provided a statement that the Form PCT/DO/EO/905 was never received, explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received; and included a copy of the relevant docket record. Further, applicant has provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable. Thus, applicant has provided the proper showing necessary to withdraw the holding of abandonment and the petition may be properly granted.

CONCLUSION

Applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is GRANTED.

A declaration/power of attorney in compliance with 37 CFR 1.497(a)-(b) was received in the United States Patent and Trademark Office on 24 November 2008.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

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

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

COPY MAILED

MAY 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Thomas Pochapsky :
Application No. 11/665,793 : DECISION ON PETITION
Filed: April 19, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. G0706.70008US02 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1614 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

18 FEB 2009

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

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

In re Application of	:	DECISION ON
Augusta Van Hul et al	:	
Application No.: 11/665,811	:	
PCT No.: PCT/EP2005/008214	:	
Int. Filing Date: 28 July 2005	:	PETITION UNDER
Priority Date: 28 July 2004	:	
Attorney's Docket No.: 07917-317US1 UMMC05-43	:	
For: METHOD FOR DIAGNOSING...	:	
DISEASES	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 19 April 2007.

BACKGROUND

On 28 July 2005, this international application was filed, claiming an earliest priority date of 28 July 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 28 January 2007. This international application became abandoned with respect to the United States at midnight on 28 January 2007 for failure to pay the required basic national fee.

On 19 April 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

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

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

Mail Date: 05/06/2010

Applicant	: Gerd Michaelis	: DECISION ON REQUEST FOR
Patent Number	: 7644607	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/665,825	: 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 **384** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

COPY MAILED

OCT 13 2009

OFFICE OF PETITIONS

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

In re Application of
Briggs, et al.
Application No. 11/665,859
Filed: October 17, 2007
Attorney Docket No. 2818.2450000/BJD/AFK/SIH
For: METHOD OF PREPARING A LAUNDRY PRODUCT

ON PETITION

This is a decision on the petition, filed September 3, 2009, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the August 20, 2008 non-final Office action. No response being received and no proper extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on November 21, 2008. A Notice of Abandonment was mailed on March 10, 2009.

Applicants have submitted an amendment in reply to the August 20, 2008 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the August 20, 2008 non-final Office action, and the $1,620.00 petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,110.00 extension of time submitted with the petition on September 3, 2009 was filed subsequent to the

expiration of the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' credit card.

The revocation/power of attorney/change of correspondence address filed on September 3, 2009 has been entered and made of record. Please find enclosed a Notice of Acceptance of Power of Attorney.

After the mailing of this decision, the application will be returned to Technology Center AU 1796 for consideration of the amendment filed on September 3, 2009.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/665,859	10/17/2007	Stephen Leonard Briggs	C4409(C)

CONFIRMATION NO. 2569

POA ACCEPTANCE LETTER

26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Date Mailed: 10/05/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/03/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/swbrantley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTOR'S OFFICE

NOV 19 2007

TECHNOLOGY CENTER 3600

OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

In re Application of:	:	DECISION ON REQUEST TO
Akira KOWATARI	:	PARTICIPATE IN PATENT
Application No.: 11/665,872	:	PROSECUTION HIGHWAY PILOT
Filed: April 19, 2007	:	PROGRAM AND PETITION TO
Attorney Docket No.: 17282/005001	:	MAKE SPECIAL UNDER 37 CFR
For: SELF STANDING FLAT	:	1.102(d)
PLATE-LIKE ARTICLE AND	:	
METHODS OF EXHIBITING	:	
AND MANUFACTURING SAME	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 12, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the IDS and preliminary amendment filed July 12, 2007 with the petition, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633.

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

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

Robert Weinhardt
TC3600
Business Practice Specialist

RW 11/18/07

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

COPY MAILED

AUG 25 2008

OFFICE OF PETITIONS

In re Application of :

SCHOLZ, Hans et al. :
Application No. 11/665,891 : DECISION ON PETITION
Filed: June 20, 2007 : TO WITHDRAW
Attorney Docket No. **025655-000300US** : FROM RECORD
297912008700 :

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 29, 2008.

The request is **APPROVED**.

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

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

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

There are no outstanding Office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **HANS SCHOLZ**
BEHMSTRASSE 79
BERLIN, GERMANY
D-10439

cc: **TODD W. WIGHT**
RUTAN & TUCKER LLP
611 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626-1931

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 17 2010

OFFICE OF PETITIONS

Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of

Montanari, et al.

Application No. 11/665,895

Filed: April 19, 2007

Attorney Docket No. **P411-US**

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 11, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on December 12, 2009. A Notice of Abandonment was mailed March 26, 2010.

The amendment filed April 1, 2010, is noted.

The application is being forwarded to Technology Center 3700, GAU 3732 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

AUG 0 4 2009

OFFICE OF PETITIONS

THOMPSON & KNIGHT, L.L.P.
PATENT PROPERTY DEPARTMENT
1722 ROUTH STREET, SUITE 1500
DALLAS TX 75201-2533

In re Application of :
Felipe Maria ESTEVE :
Application No. 11/665,899 : DECISION ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. 510829.2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 5, 2009, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment (Notice) mailed August 18, 2008, which set a period for reply of one (1) month. A Notice of Abandonment was mailed on April 16, 2009.

Petitioner asserts that the Notice dated August 18, 2008, was clearly sent in error. Petitioner asserts the drawings, filed July 11, 2008, to which the Notice refers, were neither amended nor replacement drawings.

A review of the written record indicates that the Notice dated August 18, 2008 was, in fact, sent in error. Accordingly, the application is not abandoned and the Office will make the appropriate correction to the records.

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

The petition fee of $810 will be credited to Deposit Account No. 20-0821 within the normal course of business.

This application is being referred to the Technology Center Art Unit 3742 for appropriate action.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

MAIL

MAY 13 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
LINTULA, TEEMU, et al.
Application No. 11/665,927
Filed: April 20. 2007
Attorney Docket No. **47121-5027**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 8, 2010, to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT**.

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

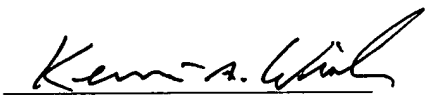
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the NBPR;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the NBPR application(s) along with an English translation thereof and a statement that the English translation 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 NBPR 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 NBPR 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 NBPR examiner in the NBPR office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deemed moot as examination of the U.S. application has already begun. A non-final Office action was mailed March 23, 2010.

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

25 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

In re Application of	:	
CHRISTENSEN, Poul et al.	:	
Application No.: 11/665,930	:	DECISION
PCT No.: PCT/DK2005/000676	:	
Int. Filing Date: 19 October 2005	:	ON REQUEST UNDER
Priority Date: 21 October 2004	:	
Attorney's Docket No.: T3722-12930US01	:	37 CFR 1.497(d)
For: WINDOW WITH A VENTILATION DEVICE	:	

This decision is in response to request under 37 CFR 1.48(f), filed in the United States Patent and Trademark Office on 29 February 2008. It has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 20 April 2007, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 December 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 February 2008, applicant filed this request accompanied by a declaration of the inventors, adding an additional inventor.

DISCUSSION

Applicant files this request to add Niels Herskind, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Item (2) has been satisfied. The processing fee will be charged to deposit account no. 50-1165, as authorized.

Items (1) and (3) have not been satisfied. Applicants have not provided a statement by Niels Herskind, the inventor being added. Further, applicants do not indicate whether an originally named inventor has executed an assignment. If an originally named inventor has not executed an assignment, please affirmatively state so. Otherwise, written consent of the assignee is required. See 37 CFR 3.73

CONCLUSION

For the above reasons, applicant's 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. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

1 4 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

In re Application of	
CHRISTENSEN, Poul et al.	
Application No.: 11/665,930	DECISION
PCT No.: PCT/DK2005/000676	
Int. Filing Date: 19 October 2005	ON REQUEST UNDER
Priority Date: 21 October 2004	
Attorney's Docket No.: T3722-12930US01	37 CFR 1.497(d)
For: WINDOW WITH A VENTILATION DEVICE	

This decision is in response to applicants' renewed request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 25 August 2008.

BACKGROUND

On 25 June 2008, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicants' request to add an inventor.

On 25 August 2008, applicants filed this renewed request.

DISCUSSION

Applicant files this request to add Niels Herskind, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. Applicants indicate that originally named inventors assigned their rights in the application. However, the complete chain of title from the inventors to Poul Christensen has not been recorded. See 37 CFR 3.73. Further, applicants have not furnished the consent of the assignee to this correction in inventorship. The assignee is making the statement required of the inventor, not the statement of consent required of the assignee.

CONCLUSION

For the above reasons, applicant's 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. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available.

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

16 MAR 2009

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

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833.

In re Application of CHRISTENSEN et al. Application No.: 11/665,930 PCT No.: PCT/DK05/00676 Int. Filing Date: 19 October 2005 Priority Date: 21 October 2004 Attorney Docket No.:13722-12930US01 For: A WINDOW WITH A VENTILATION DEVICE	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on applicant's "Renewed Request under 37 CFR 1.497(d)", filed in the United States Patent and Trademark Office (USPTO) on 12 January 2009 in the above referenced application. Applicant's request for a one month extension of time is granted.

BACKGROUND

In the decision on petition under 37 CFR 1.497(d), applicant was advised that the written consent of the assignee was required to add Niels Herskind as an inventor to the above referenced application.

On 12 January 2009, applicant filed a renewed petition along with a request for a one month extension of time.

DISCUSSION

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 previously provided the statement of Niels Herskind, the inventor to be added, in support of the correction of inventorship under 37 CFR 1.497(d). Applicant also filed an executed declaration. A review of the application file reveals that the petition fee of $130 was not paid. The fee will be charged to applicant's deposit account per his authorization. Applicant also submitted the written consent of the assignee to add Niels Herskind 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 add Niels Herskind as an inventor in the above-identified international application.

The declaration filed on 29 February 2008 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, all the inventors and provides their respective citizenship, residency and mailing address.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventor Niels Herskind is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **29 February 2008.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
Facsimile: (571)273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

K&L Gates LLP
214 N. TRYON STREET
HEARST TOWER, 47TH FLOOR
CHARLOTTE NC 28202

MAILED

MAR 23 2010

OFFICE OF PETITIONS

In re Application of :
Ryosuke Nishida :
Application No. 11/665962 : DECISION ON APPLICATION
Filing or 371(c) Date: 04/20/2007 : FOR PATENT TERM ADJUSTMENT
Attorney Docket Number: :
18245.013 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)," filed November 24, 2009.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED TO THE EXTENT INDICATED HEREIN**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 34 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 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 that the patent term adjustment (PTA) to date is 247 days.

On November 24, 2009, applicant timely submitted the present application for patent term adjustment[1]. Applicant requests review of the Patent Term Adjustment determination, in particular, the 247 day period of adjustment for Office delay, for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371, pursuant to 37 CFR 1.702(a)(1). Applicant contends that this period is calculated beginning on the date "[a]ll required documents were filed with the Application on April 20, 2007, as listed on the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (copy attached)." Request for Reconsideration at p.1.

[1] Office records show that the Issue Fee payment was received in the Office on January 6, 2009.

The Manual of Patent Examining Procedure ("MPEP") 1893.03(b) states, in relevant part:

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the USPTO has failed to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:
> (A) the date of submission of the basic national fee;
> (B) the date of submission or communication of the copy of the international application;
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
> (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
> (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.
> (Emphasis supplied)

In this instance, no request for early processing was made under 35 U.S.C. 371(f), and the date that is 30 months from the priority date of August 22, 2005, is February 22, 2008. The date that is fourteen months after the date on which the requirements under 35 U.S.C. 371 were fulfilled, is April 22, 2009, and the adjustment pursuant to 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) is the period beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371, April 23, 2009, and ended on the date of mailing of the action under 35 U.S.C. 132, May 26, 2009, or 34 days.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **thirty-four (34) days** (34 days of PTO delay, reduced by zero (0) days of applicant delay), subject to any terminal disclaimer.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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

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

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

Day : Monday
Date: 3/22/2010

PALM INTRANET

Time: 13:58:05

PTA Calculations for Application: 11/665962			
Application Filing Date:	04/20/2007	PTO Delay (PTO):	247
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	34
PTO Delay Adjustment:	-213		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
47	03/22/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		213	
40	10/26/2009	MAIL NOTICE OF ALLOWANCE			
39	10/23/2009	ISSUE REVISION COMPLETED			
38	10/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
37	10/23/2009	CASE DOCKETED TO EXAMINER IN GAU			
36	10/23/2009	DOCUMENT VERIFICATION			
35	10/22/2009	NOTICE OF ALLOWABILITY			
34	08/26/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	08/26/2009	REFERENCE CAPTURE ON IDS			
32	08/26/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	30
31	10/02/2009	DATE FORWARDED TO EXAMINER			
30	08/26/2009	RESPONSE AFTER NON-FINAL ACTION			
29	08/26/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	05/26/2009	MAIL NON-FINAL REJECTION	247		7
27	05/22/2009	NON-FINAL REJECTION			
25	03/25/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	07/21/2008	CASE DOCKETED TO EXAMINER IN GAU			
20	07/09/2008	TRANSFER INQUIRY TO GAU			
19	06/21/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	03/25/2008	REFERENCE CAPTURE ON IDS			
17	03/25/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

11	04/24/2008	PG-PUB ISSUE NOTIFICATION			
10	03/25/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	02/07/2008	APPLICATION DISPATCHED FROM OIPE			
7	07/21/2007	371 COMPLETION DATE			
6	01/22/2008	SENT TO CLASSIFICATION CONTRACTOR			
5	01/22/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			
4	01/22/2008	FILING RECEIPT			

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

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 04/21/2010

Applicant	: Yoshihiro Izumi	: DECISION ON REQUEST FOR
Patent Number	: 7651877	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,008	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **344** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/666,016	10/05/2007	Mitsuhiro Hirabayashi	SONY JP 3.3-637	3693

7590 09/10/2009

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
FRANK, EMILY J	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
09/10/2009	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.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

MAR 25 2010

OFFICE OF PETITIONS

Applicant: Marc Van De Craen, et al.
Appl. No.: 11/666,021
International Filing Date: October 25, 2005
Title: RNA CONSTRUCTS
Attorney Docket: D0632.7000US00
Pub. No.: 2009/0126038 A1
Pub. Date: May 14, 2009

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on July 8, 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 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

3 1 MAR 2008

United States Patent and Trademark Office

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

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of :
BORNHOP et al. :
Application No.: 11/666,046 :
PCT No.: PCT/US2005/038168 :
Int. Filing Date: 24 October 2005 : DECISION
Priority Date: 22 October 2004 :
Attorney Docket No.: 22000.0147U2 :
For: On-Chip Polarimetry For High-Throughput Screening :
Of Nanoliter And Smaller Sample Volumes :

This is in response to the submission under 37 CFR 1.48 filed on 11 February 2008, which is being treated under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 24 October 2005, claimed an earlier priority date of 22 October 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 April 2007. Applicant filed *inter alia* the basic national fee on 20 April 2007.

On 16 November 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Counsel requests that Brian O. Bachmann be added as an inventor, and seeks relief under 37 CFR 1.48(a)(5); however, this matter is properly treated under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided an appropriate statement by Brian O. Bachmann.

Regarding requirement (2), the required processing fee has been paid.

Regarding requirement (3), applicants have presented a "Written Consent of Assignee..." accompanied by a copy of an assignment. However, this "Consent" is inadequate in view of 37 CFR 3.73(b)(1)(i), which requires in part that

> For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11

Since applicants have provided neither such a statement (nor identified the reel and frame numbers where the assignment has already been recorded), it would not be appropriate to consider requirement (3) to have been satisfied at this time.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), 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. No additional processing fee is required.

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

United States Patent and Trademark Office

31 MAR 2008

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

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of	:	
BORNHOP et al.	:	
Application No.: 11/666,046	:	
PCT No.: PCT/US2005/038168	:	
Int. Filing Date: 24 October 2005	:	DECISION
Priority Date: 22 October 2004	:	
Attorney Docket No.: 22000.0147U2	:	
For: On-Chip Polarimetry For High-Throughput Screening Of Nanoliter And Smaller Sample Volumes	:	

This is in response to the submission under 37 CFR 1.48 filed on 11 February 2008, which is being treated under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 24 October 2005, claimed an earlier priority date of 22 October 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 April 2007. Applicant filed *inter alia* the basic national fee on 20 April 2007.

On 16 November 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Counsel requests that Brian O. Bachmann be added as an inventor, and seeks relief under 37 CFR 1.48(a)(5); however, this matter is properly treated under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided an appropriate statement by Brian O. Bachmann.

Regarding requirement (2), the required processing fee has been paid.

Regarding requirement (3), applicants have presented a "Written Consent of Assignee..." accompanied by a copy of an assignment. However, this "Consent" is inadequate in view of 37 CFR 3.73(b)(1)(i), which requires in part that

> For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11

Since applicants have provided neither such a statement (nor identified the reel and frame numbers where the assignment has already been recorded), it would not be appropriate to consider requirement (3) to have been satisfied at this time.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), 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. No additional processing fee is required.

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

2 4 SEP 2008

United States Patent and Trademark Office

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

Ballard Spahr Andrews & Ingersoll, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of
BORNHOP et al.
Application No.: 11/666,046
PCT No.: PCT/US2005/038168
Int. Filing Date: 24 October 2005
Priority Date: 22 October 2004
Attorney Docket No.: 22000.0147U2
For: On-Chip Polarimetry For High-Throughput Screening Of Nanoliter And Smaller Sample Volumes

DECISION

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 02 June 2008.

DISCUSSION

In a Decision mailed on 31 March 2008, the declaration filed on 11 February 2008 was not accepted under 37 CFR 1.497(d), without prejudice, because

> Regarding requirement (3), applicants have presented a "Written Consent of Assignee..." accompanied by a copy of an assignment. However, this "Consent" is inadequate in view of 37 CFR 3.73(b)(1)(i)...
>
> Since applicants have provided neither such a statement (nor identified the reel and frame numbers where the assignment has already been recorded), it would not be appropriate to consider requirement (3) to have been satisfied at this time.

In response, applicants have now provided an acceptable statement under 37 CFR 3.73(b). Therefore, requirement (3) of 37 CFR 1.497(d) now has been satisfied.

Further review of the declaration filed on 11 February 2008 reveals that the citizenship of Darryl Bornhop has not been provided. As such, it would not be appropriate to accept the declaration at this time.

DECISION

The declaration 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.

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

United States Patent and Trademark Office

25 JUN 2009

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

Ballard Spahr Andrews & Ingersoll, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of :
BORNHOP et al. :
Application No.: 11/666,046 :
PCT No.: PCT/US2005/038168 :
Int. Filing Date: 24 October 2005 : DECISION
Priority Date: 22 October 2004 :
Attorney Docket No.: 22000.0147U2 :
For: On-Chip Polarimetry For High-Throughput Screening :
Of Nanoliter And Smaller Sample Volumes :

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 23 March 2009.

DISCUSSION

In a Decision mailed on 24 September 2008, the declaration filed on 11 February 2008 was not accepted, without prejudice, because the citizenship of inventor Bornhop was not provided.

In response, applicants have filed a new declaration document. Counsel states that "Applicant has added the text 'United States of America' on page 2 of the Declaration to reflect inventor Bornhop's citizenship.". Inspection of the declaration filed on 23 March 2009 reveals that it appears to be a copy of the declaration filed on 11 February 2008, modified to include the citizenship. Applicants' attention is respectfully drawn to MPEP 605.04(a), which explains (in part) that

> *In summary, it is emphasized that the application filed must be the application executed by the applicant and 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.*

Since the declaration filed on 23 March 2009 appears to have been altered after execution, it would not be appropriate to accept it at this time. Instead, it would be appropriate for Mr. Bornhop to execute a new declaration document showing his citizenship (as well as the identity of the entire inventive entity).

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **ONE (1) MONTH** from the mail date of this decision. Extensions of time are **NOT** available under 37 CFR 1.136(a). This period for response is analogous to that which would be set by a Notification of Defective Response (Form PCT/DO/EO/916). Failure to timely reply will result in **ABANDONMENT** of this application.

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

20 OCT 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

Ballard Spahr Andrews & Ingersoll, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of :
BORNHOP et al. :
Application No.: 11/666,046 :
PCT No.: PCT/US2005/038168 :
Int. Filing Date: 24 October 2005 : DECISION
Priority Date: 22 October 2004 :
Attorney Docket No.: 22000.0147U2 :
For: On-Chip Polarimetry For High-Throughput Screening :
Of Nanoliter And Smaller Sample Volumes :

This is in response to the correspondence filed on 24 July 2009 and 22 August 2009, which is being treated as a renewed submission under 37 CFR 1.497(d).

DISCUSSION

In a Decision mailed on 25 June 2009, the declaration filed on 23 March 2009 was not accepted under 37 CFR 1.497(d), without prejudice, because

> Counsel states that "Applicant has added the text 'United States of America' on page 2 of the Declaration to reflect inventor Bornhop's citizenship." Inspection of the declaration filed on 23 March 2009 reveals that it appears to be a copy of the declaration filed on 11 February 2008, modified to include the citizenship. Applicants' attention is respectfully drawn to MPEP 605.04(a), which explains (in part) that
>
> *In summary, it is emphasized that the application filed must be the application executed by the applicant and 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.*
>
> Since the declaration filed on 23 March 2009 appears to have been altered after execution, it would not be appropriate to accept it at this time. Instead, it would be appropriate for Mr. Bornhop to execute a new declaration document showing his citizenship (as well as the identity of the entire inventive entity).

In response, petitioner has provided a supplemental declaration which nominates the entire inventive entity, provides Darryl Bornhop's citizenship, and has been signed by Mr. Bornhop. Taken together with the declaration previously of record, this declaration is acceptable for purposes of 37 CFR 1.497(a) and (b).

DECISION

The declaration filed on 24 July 2009 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **24 July 2009**.

/George Dombroske/
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

17 DEC 2007

Mr. Joseph J. Laks
Thomson Licensing LLC
Patent Operations
P.O. Box 5312
Princeton, NJ 08543-5312

In re Application of	:	DECISION ON
Lu et al	:	
Application No.: 11/666,061	:	
PCT No.: PCT/US2005/037469	:	
Int. Filing Date: 19 October 2005	:	PETITION UNDER
Priority Date: 04 November 2004	:	
Attorney Docket No.: PU040304	:	
For: FAST INTRA MODE PREDICTION FOR A VIDEO ENCODER	:	37 CFR 1.181

This is in response to applicants' submission "MISSING PARTS OF THE APPLICATION- WITH AUTHORIZATION TO CHARGE DEPOSIT ACCOUTN" filed on 31 July 2007, which is being treated as a petition under 37 CFR 1.181. This submission states that the correct inventor's name for the second listed inventor is Peng YIN.

BACKGROUND

On 20 April 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.

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 International application number and international filing date, in that the second inventor's last name on the declaration doesn't correspond with the name on the published application" The notice also indicated that all of the items set forth above must be submitted within two (2) months from the date of this notice or by 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 31 July 2007, applicants submitted the current petition, which included a new executed Declaration, with the second named inventor listed as Peng, YIN.

DISCUSSION

The correct name of the second joint-inventor is "Peng "YIN" as published in the international application and not has originally submitted in the executed Declaration, which listed the second joint-inventor as Peng LIN. The correct name, Peng YIN, now appears in the declaration as filed on 31 July 2007 to the USPTO.

Applicants' response, however, is not accepted as a sufficient response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 23 July 2007 for the reasons below.

The declaration filed on 31 July 2007 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. See MPEP § 602. In this instance, applicants submitted an amendment to the declaration because there are two sheets of page 2 of 3, one with the correct name of the second joint inventor and the other with the incorrect name of the second joint inventor. A proper response to this decision is a new executed oath or declaration in compliance with 37 CFR 1.497 with the correct spelling of the second inventor's given name comprising of three pages. There is no petition fee for this correction.

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED** that the correct spelling of the second joint inventor is Peng YIN.

A proper response, which is a proper declaration within ONE (1) MONTH from the mail date of this decision or within the time limit in the response set forth in the Notification of Missing Requirements, whichever is longer. The period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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

13 FEB 2008

Mr. Joseph J. Laks
Thomson Licensing LLC
Patent Operations
P.O. Box 5312
Princeton, NJ 08543-5312

In re Application of :
Lu et al :
Application No.: 11/666,061 :
PCT No.: PCT/US2005/037469 :
Int. Filing Date: 19 October 2005 : DECISION
Priority Date: 04 November 2004 :
Attorney Docket No.: PU040304 :
For: FAST INTRA MODE PREDICTION FOR A VIDEO ENCODER :

This is in response to applicants' submission "Answer to Petition Under 37 CFR 1.181" filed on 03 January 2008 with a corrected executed Declaration that spells the correct name for the second listed inventor as Peng YIN.

BACKGROUND

In a decision from this Office on 17 December 2007, it stated that the executed declaration was an improper composite executed declaration.

On 03 January 2008, applicants submitted the current petition, which included a new executed Declaration with the second named inventor listed as Peng, YIN.

DISCUSSION

Applicants' response is accepted as a sufficient response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 23 July 2007. Applicants have submitted a proper executed declaration.

DECISION

The petition under 37 CFR 1.181 is **GRANTED** that the correct spelling of the second joint inventor is Peng YIN and a properly submitted declaration has been filed.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision that is, for issuance of a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying the 35 U.S.C. §371(c)(1), (c)(2,) and (c)(4) date as **03 January 2008**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

12 JUL 2007

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of KLUNK et al.	:	
Application No.: 11/666,083	:	
PCT No.: PCT/US05/23617	:	DECISION ON
Int. Filing: 01 July 2005	:	
Priority Date: 2 July 2004	:	PETITION TO REVIVE
Attorney Docket No.: 076333-0470	:	
For: AMYLOID IMAGING AS A SURROGATE	:	UNDER 37 CFR 1.137(b)
MARKER FOR EFFICACY OF ANTI-AMYLOID	:	
THERAPIES	:	

The petition to revive under 37 CFR 1.137(b) filed 24 April 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286

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

12 SEP 2007

Foley & Lardner LLP
Suite 500
3000 K Street, NW
Washington, D.C. 20007

In re Application of
KLUNK et al.
Application No.: 11/666,084
PCT No.: PCT/US05/23618
Int. Filing Date: 01 July 2005
Priority Date: 02 July 2004
Attorney Docket No.: 076333-0468
For: METHOD OF DIAGNOSING PRODROMAL FORMS OF DISEASES ASSOCIATED WITH AMYLOID DEPOSITION

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 April 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
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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

14 APR 2008

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

In re Application of	:	
DOTSON et al.	:	
U.S. Application No. 11/666,092	:	DECISION ON
PCT No.: PCT/FR05/02615	:	REQUEST UNDER 37 CFR 1.42
Int. Filing Date: 21 October 2005	:	&
Priority Date: 25 October 2004	:	PETITION UNDER
Attorney Docket No.: Q101380	:	37 CFR 1.47(a)
For: CONVEYOR FOR A PREPARATION MACHINE USED TO ORIENT OBJECTS	:	

This decision issued in response to applicants' "Petition under 37 CFR 1.42 and 1.47(a)" filed 28 March 2008 to accept the application without the signature of the legal representative of the deceased joint-inventor, Bill Klawonn. Additionally, the declaration submitted on 28 March 2008 will be considered pursuant to 37 CFR 1.42. The petition fee has been submitted.

BACKGROUND

On 21 October 2005, applicants filed international application PCT/FR05/02615 which claimed a priority date of 25 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 May 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 April 2007.

On 24 April 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and a preliminary amendment.

On 12 February 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 28 March 2008, applicants filed the present petition under 37 CFR 1.42 and 1.47(a).

DISCUSSION

Section 409.03(c) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> "37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e))."

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1) and (3) have been satisfied.

Regarding item (2) above, petitioner states that the legal representative (Mina Klawonn) has refused to sign the application. Section 409.03(d) of the MPEP, **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 Mina Klawonn. Petitioner states that the application papers were mailed to Mina Klawonn on four separate occasions. However, petitioner 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 legal representative. Lastly, petitioner has not provided any evidence to confirm that the address being used is the current address of the non-signing legal representative, as required before the legal representative's failure to respond to a mailing at such address can be considered a refusal to sign the application.

Regarding item (4) above, an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor has been submitted with the present petition, however, the declaration is not in compliance with 37 CFR 1.42 and 1.497(b)(2).

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.

Additionally, 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.

As stated above, the declaration must identify the legal representative's name, citizenship; and mailing address (as well as the deceased inventor's name, citizenship and (last known) mailing address).

For the reasons stated above, it would not be appropriate to accept the application without the signature of the legal representative of the deceased joint-inventor, Bill

Klawonn under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The petition under 37 CFR 1.42 is **REFUSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

19 DEC 2008

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

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

In re Application of: DOTSON et al.	
U.S. Application No. 11/666,092	
PCT No.: PCT/FR05/02615	DECISION ON
Int. Filing Date: 21 October 2005	REQUEST UNDER 37 CFR 1.42
Priority Date: 25 October 2004	&
Attorney Docket No.: Q101380	PETITION UNDER
For: CONVEYOR FOR A PREPARATION MACHINE USED TO ORIENT OBJECTS	37 CFR 1.47(a)

This decision is issued in response to applicants' "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" filed 12 June 2008 which is being treated as a renewed petition under 37 CFR 1.47(a). Additionally, the declaration submitted on 12 June 2008 will be considered pursuant to 37 CFR 1.42.

BACKGROUND

On 21 October 2005, applicants filed international application PCT/FR05/02615 which claimed a priority date of 25 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 May 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 April 2007.

On 24 April 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and a preliminary amendment.

On 12 February 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 March 2008, applicants filed the present petition under 37 CFR 1.42 and 1.47(a). In a decision dated 14 April 2008, applicants' petitions were dismissed without

prejudice.

On 12 June 2008, applicants filed "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" which included a declaration executed by the previous non-signing legal reprsentative, Mina Klawonn.

DISCUSSION

Renewed Petition under 37 CFR 1.47(a)

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 12 June 2008 with the present renewed petition was executed by Mina Klawonn, the previous non-signing legal representative.

Submission under 37 CFR 1.42 (Deceased Inventor)

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 filed 12 June 2008 was executed by Mina Klawonn as "legal representative" to the deceased inventor, Bill Klawonn. 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 prior petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The request for status under 37 CFR 1.42 is **ACCEPTED**.

The application has an international filing date of 21 October 2005 under 35 U.S.C. 363 and a date of 12 June 2008 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
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

10 OCT 2008

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

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of SCHERRER
Application No.: 11/666,093
PCT No.: PCT/FR05/02710
Int. Filing: 28 October 2005
Priority Date: 28 October 2004
Attorney Docket No.:0502-1053
For: SOIL-HEATING DEVICE PARTICULARLY FOR SOIL COVERED BY A SYNTHETIC SURFACE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 23 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire period of delay in filing the required reply in filing the required reply (the 35 U.S.C. 371(c)(4) Declaration) from the due date for 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 executed declarations have now been provided. The required petition fee of $770 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) is 23 September 2008.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Vasco Petruzzi	: DECISION ON REQUEST FOR
Patent Number	: 7589963	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,111	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **122** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Ilkka Niini	: DECISION ON REQUEST FOR
Patent Number	: 7609374	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,132	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2008	: 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.

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

13 SEP 2007

28986
Harriet M. Strimpel
NEW ENGLAND BIOLABS, INC.
240 County Road
Ipswich, MA 01938

In re Application of
XU *et al*
U.S. Application No.: 11/666,148
PCT No.: PCT/US2005/037607
Int. Filing Date: 21 October 2005
Priority Date: 21 October 2004
Attorney Docket No.: NEB-257-PUS
For: RECOMBINENT DNA NICKING ENDONUCLEASE AND USES THEREOF

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 August 20007 is hereby **GRANTED** as follows:

The petition fee of $750.00 was charged with the petition filed 17 August 2007. Applicants submitted authorization to charge the Basic National Fee and other required fees after a telephone call from the undersigned on 11 September 2007. The required statement pursuant to 37 CFR 1.137(b)(3) was provided. A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The $65.00 surcharge fee has been charged to Deposit Account No. 14-0740 as authorized. However, the declaration filed 11 September 2007 via facsimile is not in compliance with 37 CFR 1.497(a) and (b).

The declaration consists of one Page 1 of 3, one Page 2 of 3 and two Page 3 of 3. While each inventor need not execute the same oath or declaration, each oath or declaration must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. By providing only a partial declaration, it is not clear what inventive entity was listed on the declaration signed by each co-inventor.

Applicants must submit the complete declaration signed by each co-inventor.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR

1.497(a) and (b) is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

06 AUG 2008

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

02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
YOSHIKAWA *et al* :
U.S. Application No.: 11/666,155 :
PCT No.: PCT/JP2005/016388 :
Int. Filing Date: 07 September 2005 :
Priority Date: 01 November 2004 : **DECISION**
Attorney Docket No.: 2936-0291PUS1 :
For: DOOR OPENING AND CLOSING :
MECHANISM :

This decision is in response to the "Petition under 37 CFR 1.182" filed on 04 June 2008.

BACKGROUND

On 24 April 2007, applicants filed a national stage application listing the international application number on the transmittal letter (Form PTO-1390) as PCT/JP2005/016338. An executed declaration was also filed at the same time; the international application was listed as PCT/JP2005/016388. The USPTO processed the application as the national stage of PCT/JP2005/016338.

On 25 April 2008, a communication was mailed informing applicants of the discrepancy in the PCT numbers.

On 04 June 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/JP2005/016388. Applicants state that the transmittal letter had a typographical error incorrectly identified the underlying PCT application as PCT/JP2005/016338. Despite this error, petitioners argue that the national phase application as filed is sufficient to identify the correct international application number.

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. All other indications on the transmittal letter including the name of the first inventor, the title, and the international filing date correspond to PCT/JP2005/016388. In addition, the declaration clearly identifies the underlying international application as PCT/JP2005/016388. Moreover, the inventors who signed the declaration are listed as the inventors for PCT/JP2005/016388.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/JP2005/016388.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The subject application is the national stage of PCT/JP2005/016388 filed 07 September 2005.

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

20 FEB 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

02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of
YOSHIKAWA *et al*
U.S. Application No.: 11/666,155
PCT No.: PCT/JP2005/016388
Int. Filing Date: 07 September 2005
Priority Date: 01 November 2004
Attorney Docket No.: 2936-0291PUS1
For: DOOR OPENING AND CLOSING MECHANISM

DECISION

This decision is in response to matters brought to the attention of the PCT Legal Office.

BACKGROUND

On 24 April 2007, applicants filed a national stage application listing the wrong PCT number on the transmittal letter (PCT/JP2005/016338). An executed declaration was also filed recording the correct PCT number (PCT/JP2005/016388). The USPTO processed the application as the national stage of PCT/JP2005/016338.

On 25 April 2008, a communication was mailed informing applicants of the discrepancy in the PCT numbers.

On 04 June 2008, applicants filed a petition to change the underlying PCT application in the above-identified national stage application. On the same day, the Office used the transmittal letter for the petition filed 04 June 2008 as the basis for a national stage application of PCT/JP2005/016388. This application was noted as U.S. application number 12/086,133. No fees were paid in 12/086,133.

On 06 August 2008, a decision granting applicants' petition under 37 CFR 1.182 was mailed. The above-captioned application (U.S. application No. 11/666,155) was deemed as the national stage of PCT/JP2005/016388. However, U.S. application No. 12/086,133 was already recorded as the national stage of PCT/JP2005/016388.

DISCUSSION

A review of both U.S. application No. 11/666,155 and U.S. application No. 12/086,133 show that the Office erroneously set up a national stage application of

PCT/JP2005/016388 using the transmittal letter of the papers filed 04 June 2008.

This was clearly a mistake as applicants did not intend to file another national stage application of PCT/JP2005/016388.

CONCLUSION

The papers in U.S. application No. 12/086,133 will be merged into U.S. application No. 11/666,155.

Applicants are advised that U.S. application No. 12/086,133 is no longer a valid U.S. national stage application.

This application is being forwarded to the DO/EO/US for continued processing.

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.go

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

COPY MAILED

SEP 21 2009

OFFICE OF PETITIONS

Applicant: Andreas M. Zeiher, et al.
Appl. No.: 11/666,164
International Filing Date: October 25, 2005
Title: PLGR AND FLT-1 AS PROGNOSTIC PARAMETERS FOR CARDIOVASCULAR DISEASES
Attorney Docket: 05552.1475-00000
Pub. No.: US 2009/0155827 A1
Pub. Date: June 18, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 20, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the title of the invention "PLGR AND FLT-1 AS PROGNOSTIC PARAMETERS FOR CARDIOVASCULAR DISEASES" is misprinted as "P1GF AND FLT-1 AS PROGNOSTIC PARAMETERS FOR CARDIOVASCULAR DISEASES"

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

The error on the front page of the publication wherein the title of the invention misprints "PLGF" as "P1GF" may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or

[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).

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.

It is noted, the title in the specification filed on April 25, 2007 appears to be spelled P1GF, with the number "1".

On March 11, 2009, a Filing Receipt was mailed by the Office, which improperly listed the title of the invention. On April 29 a corrected Filing Receipt was mailed with the corrected title, however the correction was made too late in the publication process to be included in the publication.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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

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

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

22 FEB 2008

Modiano & Associati
Via Meravigli, 16
Milano 20123
ITALY

In re Application of :
CANTERI :
Application No.: 11/666,167 :
PCT No.: PCT/EP05/11388 : DECISION ON PETITION
Int. Filing Date: 24 October 2005 :
Priority Date: 09 November 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: 43841/AJ/lp :
For: METHOD FOR SATURATING CAVITIES :
PRESENT IN A MASS OF SOIL OR IN A :
BODY IN GENERAL :

This decision is in response to applicant's combined declaration and power of attorney filed 25 April 2007. The response is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 24 October 2005, applicant filed international application PCT/EP05/11388, which claimed a priority date of 09 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 May 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, 09 May 2007.

On 25 April 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, a preliminary amendment, an Information Disclosure Statement and a combined declaration and power of attorney executed by Mariapia Pastor. Ms. Pastor is identified as the second or joint inventor and "spouse." The declaration also lists Carlo Canteri as the first inventor, "deceased."

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

> "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 a patent."

The declaration filed 25 April 2007 is executed by Mariapia Pastor as spouse to deceased inventor Carlo Canteri. The declaration sets forth the residence, post office address and country of citizenship of both individuals. However, it is not possible to accept the declaration at this time as it is unclear in what capacity Ms. Pastor is executing the declaration. If Ms. Pastor is executing the declaration as sole heir to the estate of inventor Canteri, applicant is required to perfect the filed declaration with a statement that Ms. Pastor is the sole heir and that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed.

If Ms. Pastor is executing the declaration as the legal representative, a newly executed declaration is required which identifies Ms. Pastor as the legal representative as explained at 37 CFR 1.497(b)(2).

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." 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

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

24 APR 2008

Modiano & Associati
Via Meravigli, 16
Milano 20123
ITALY

In re Application of :
CANTERI :
Application No.: 11/666,167 :
PCT No.: PCT/EP05/11388 : DECISION ON PETITION
Int. Filing Date: 24 October 2005 :
Priority Date: 09 November 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: 43841/AJ/lp :
For: METHOD FOR SATURATING CAVITIES :
PRESENT IN A MASS OF SOIL OR IN A :
BODY IN GENERAL :

This decision is in response to applicant's renewed petition under 37 CFR 1.42 filed 14 April 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 22 February 2008, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 14 April 2008, applicant filed the renewed petition discussed herein.

DISCUSSION

As detailed in the decision mailed 22 February 2008, 37 CFR 1.42 provides that:

> "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 25 April 2007 was executed by Mariapia Pastor as spouse to deceased inventor Carlo Canteri and set forth the residence, post office address and country of citizenship of both individuals. However, it was unclear in what capacity Ms. Pastor was executing the declaration. Applicant has presently responded with a signed statement from Ms. Pastor indicating that she is the sole heir to her late husband's estate and that no legal representative has been appointed or is statutorily required to be appointed. As such, it is proper

to grant applicant's request at this time.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 24 October 2005 and a date of **25 April 2007** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Reinhard Weiberle	: DECISION ON REQUEST FOR
Patent Number	: 7669079	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,183	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/27/2008	: 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.

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.
11/666,213		Naruto Takaoku	KUSUMOTO 250-KFM	9629

10037 7590 05/20/2008

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS, NY 10606

EXAMINER	
ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
05/20/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 2 02008

TECHNOLOGY CENTER 2100

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606

In re Application of: Naruto Takaoku
Application No. 11/666213
Filed: April 25, 2007
For: CLEANING WORK ESTIMATING SYSTEM, CLEANING WORK ESTIMATING METHOD, AND CLEANING WORK ESTIMATING PROGRAM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 17, 2008 to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:

A. Item 3 above. Specifically,

1) Claim13 of the instant application differs in scope form the corresponding claim 8 of the Japanese allowed application, in that claim 13 of the instant application recites "**each area of the floor plan inputted**" in line 5 of the claim, where as the corresponding limitation in the translated Japanese claim 8 recites "**each area of a floor plan**".

Also, the claims correspondence table lists claim 6 of the instant application to correspond to claim 7 of the allowed Japanese application. It is believed that applicant probably meant claim 6 of the instant application to correspond to claim 3 of the allowed Japanese application.

Applicant is requested to review all the claims in view of the comments above to make sure that all the claims are in compliance with guidelines set forth above for a grantable petition to make special.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
11/666,213		Naruto Takaoku	KUSUMOTO 250-KFM	9629

10037 7590 06/25/2008

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS, NY 10606

EXAMINER	
ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
06/25/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 25 2008

TECHNOLOGY CENTER 2100

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606

In re Application of: Naruto Takaoku
Application No. 11/666213
Filed: April 25, 2007
For: CLEANING WORK ESTIMATING SYSTEM, CLEANING WORK ESTIMATING METHOD, AND CLEANING WORK ESTIMATING PROGRAM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 17, 2008, and the request for reconsideration of adverse decision filed May 29, 2008, to make the above- identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

In response to the petition decision mailed on May 20, 2008, applicant submitted a renewed petition and an amendment to claim 13, to make the claims of the US application to sufficiently correspond to the allowable/patentable claims of the corresponding Japanese application. Accordingly, the request to participate in the PPH pilot program and petition comply with the above requirements, and the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

25 FEB 2008

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

Arthur C. Crawford
Nixon & Vanderhye, P.C.
901 North Glebe Road
Arlington, VA 22203-1808

In re Application of :
TOKUMITSU :
Application No.: 11/666,227 :
PCT No.: PCT/JP06/305312 : DECISION ON PETITION
Int. Filing Date: 10 March 2006 :
Priority Date: 23 March 2005 : UNDER 37 CFR 1.181
Attorney Docket No.: ARC-330-331 :
For: PROCESS FOR THE PRODUCTION OF :
INP FINE PARTICLES AND INP FINE :
PARTICLE DISPERSION OBTAINED :
BY TH PROCESS :

This Communication is in response to applicant's "Request to Correct Inventor's Name" filed in the United States Patent and Trademark Office (USPTO) on 15 May 2007.

BACKGROUND

On 10 March 2006, applicant filed international application PCT/JP06/305312 which claimed priority to a previous application filed 23 March 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 September 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 23 September 2007.

On 25 April 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 first preliminary amendment.

On 15 May 2007, applicant filed the present request accompanied by a copy of a signed declaration and application data sheet.

DISCUSSION

Applicant is advised that a statement of correction of inventor's name is only required where the name of the inventor on the published international application is different from that listed on the filed oath or declaration. (See Section 201.03 of the Manual of Patent Examining Procedure (MPEP)). In the present case, in both documents the inventor is identified as Shuzo Tokumitsu. The misspelling of the inventor's name on

the filed transmittal letter is not relevant. As such, the declaration filed 15 May 2007 is compliant as filed and there is no need to consider applicant's request.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.181 is DISMISSED as moot.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision. Including processing of the filed declaration and, if applicable, the mailing of a "Notification of Acceptance" (Form PCT/DO/EO/903) and filing receipt.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Byrne Poh LLP
11 Broadway, Ste 865
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Shree K. Nayar	: DECISION ON REQUEST FOR
Patent Number	: 7614748	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,228	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/07/2008	: 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

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

KUSNER & JAFFE
HIGHLAND PLACE SUITE 310
6151 WILSON MILLS ROAD
HIGHLAND HEIGHTS, OH 44143

Mail Date: 04/27/2010

Applicant	: Yukihiro Terada	: DECISION ON REQUEST FOR
Patent Number	: 7616152	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/666,254	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **138** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KUSNER & JAFFE
HIGHLAND PLACE SUITE 310
6151 WILSON MILLS ROAD
HIGHLAND HEIGHTS, OH 44143

Mail Date: 04/27/2010

Applicant	: Yukihiro Terada	: DECISION ON REQUEST FOR
Patent Number	: 7609202	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/666,256	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 DEC 2008

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

In re Application of	:	
EDLUND, et al.	:	
U.S. Application No.: 11/666,257	:	DECISION ON PETITION
PCT No.: PCT/SE05/01626	:	
Int. Filing Date: 28 October 2005	:	UNDER 37 CFR 1.182
Priority Date: 28 October 2004	:	
Attorney's Docket No.: 1876.044US1	:	
For: RETINOIC ACID STIMULATES DIFFERNTIATION OF PANCREATIC PROGENITOR CELLS INTO PRODUCING CELLS	:	

This decision is in response to applicant's correspondence filed 18 July 2008 in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.182 to change the name of inventor Anna Maria Ostrom. As authorized the $400.00 petition fee will be charged to deposit account number 19-0743.

BACKGROUND

On 28 October 2005, applicant filed international application PCT/SE05/01626, which claimed priority of an earlier application filed 28 October 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 04 May 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 28 April 2007.

On 24 April 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 First preliminary amendment; and an un-executed declaration.

On 18 January 2008, applicant filed an executed declaration of the inventors and provided payment of the $65.00 surcharge for providing a signed oath or declaration of the inventors later than thirty months from the priority date.

On 19 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 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 notice indicated that the last name of the second inventor differed from that on the published international application. 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 18 April 2008, applicant responded with a communication indicating that a combined declaration and power of attorney had been filed on 18 January 2008.

On 26 June 2008, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that applicant had yet to explain why the last name of the second inventor was changed and thus was not a proper response to the Form PCT/DO/EO/905 mailed 19 February 2008. 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 15 August 2008, applicant filed the response considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

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. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. 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.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

Applicant has not provided an explanation as to the document provided purporting to show that inventor Ostrom has legally changed her name. In addition, applicant has not provided any information regarding the translation into English. As applicant has not provided either 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, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182."

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

09 MAR 2009

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

In re Application of	:	
EDLUND, et al.	:	
U.S. Application No.: 11/666,257	:	DECISION ON PETITION
PCT No.: PCT/SE05/01626	:	
Int. Filing Date: 28 October 2005	:	UNDER 37 CFR 1.182
Priority Date: 28 October 2004	:	
Attorney's Docket No.: 1876.044US1	:	
For: RETINOIC ACID STIMULATES DIFFERNTIATION OF PANCREATIC PROGENITOR CELLS INTO PRODUCING CELLS	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.182 to change the name of inventor Anna Maria Ostrom filed 13 February 2009 in the United States Patent and Trademark Office (USPTO). No additional fees are required.

BACKGROUND

On 09 December 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 13 February 2009, applicant filed the renewed petition considered herein. The renewed petition contains certification under 37 CFR 1.8 that the papers were deposited for mailing on 09 February 2009 and are therefore considered timely filed.

DISCUSSION

As detailed in the decision mailed 09 December 2008, the Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names; explaining that:

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. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. 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.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

Applicant has presently provided a copy of an original excerpt from the National Tax Board of Sweden, as well as a certified English translation of the document by an individual fluent in both languages avowing to the accuracy of the translation. The Tax Board document shows that inventor has changed her last name from Vedin to Ostrom. Therefore it is proper to grant applicant's renewed petition at this time.

CONCLUSION

The renewed petition under 37 CFR 1.182 to change the inventor's name is **GRANTED**.

The application has an international filing date of 28 October 2005 under 35 U.S.C. 363 and will be given a date of **18 January 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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

2 4 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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

In re Application of	:	
PICKHARD	:	DECISION ON REQUEST
U.S. Application No.: 11/666,263	:	FOR WITHDRAWAL AS
PCT No.: PCT/AT2005/00423	:	ATTORNEY OF RECORD
Int. Filing Date: 25 October 2005	:	
Priority Date: 25 October 2004	:	
Attorney Docket No.: ABP-105(PCT)(US)	:	
For: METHOD AND DEVICES FOR LYOPHILIZING, RECONSTITUTING AND ADMINISTERING A RECONSTRUCTED AGENT	:	

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 31 July 2008.

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 Hans-Peter G. Hoffmann 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 47670.

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.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3286
Fax: (571) 273-0459

24 JUL 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

Oblon, Spivak, Mcclelland Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of :
MAEDA, et al. :
Application No.:11/666,301 :
PCT No.: PCT/JP2006/301353 : DECISION ON REQUEST
Int. Filing Date: 27 January 2006 :
Priority Date: 28 March 2005 :
Attorney Docket No.: 307643US2PCT :
For: MOBILE COMMUNICATIONS SYSTEM, HANDOVER CONTROLLING METHOD, RADIO NETWORK CONTROLLER, AND MOBILE TERMINAL

This decision is issued in response to applicants' "Response to Notice of Missing Requirements under 35 U.S.C. 371" filed 21 October 2008. Applicants are notifying the Office that the second inventor's name is Hideji Wakabayshi as indicated on the declaration (filed 26 April 2007) rather than Hideji Wakabaysi as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner asserts that the name of the second inventor is Hideji Wakabayshi. The Declaration (affidavit) of Hideji Wakabayashi states that "my last name was spelled incorrectly in the International application due to an error in translation . . . [m]y true and correct name is Hideji Wakabayashi which has been set forth on the Declaration and Power of Attorney filed on April 26, 2007." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the second inventor's name is accepted and noted for the record. For the reasons above, the request is **GRANTED**.

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

27 FEB 2009

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

Nixon Peabody
401 9th Street, N.W., Suite 900
Washington DC 20004-2128

In re Application of:
POWELL, Graham, Leonard, Fraser
U.S. Application No.: 11/666,304
PCT No.: PCT/AU2004/001481
International Filing Date: 27 October 2004
Priority Date: 27 October 2003
Atty Docket No.: 002354-500
For: IMPROVED WEAR RESISTANT ALLOY

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 16 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 04 April 2008 based on applicant's failure to file a response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 04 February 2008. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 24 October 2008.

The present petition for revival was accompanied by payment of the required petition fee. The petition was also accompanied by the "required reply" in the form of a proper response to the Notification Of Missing Requirements mailed 04 February 2008, that is, an executed declaration in compliance with 37 CFR 1.497. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 16 January 2009.

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

15 SEP 2008

United States Patent and Trademark Office

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

RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

In re Application of	:	
Alio Sanz et al.	:	
Application No.: 11/666,306	:	DECISION
PCT No.: PCT/ES2005/070150	:	
Int. Filing Date: 25 October 2005	:	ON
Priority Date:26 October 2004	:	
Attorney Docket No.: TJA-170US	:	PETITION
For: Bicomponent Bioadhesive For Biomedical Use	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 30 June 2008.

BACKGROUND

This international application was filed on 25 October 2005, claimed an earlier priority date of 26 October 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 11 May 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 April 2007. Applicants filed *inter alia* the basic national fee on 25 April 2007.

On 31 January 2008, 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)**, petitioner has paid the $200.00 petition fee.

Regarding **requirement (2)**, petitioner presents a "Declaration Pursuant To 37 C.F.R. § 1.47(a)"signed by D. Fernando Benavente, who states that "this statement is being made by the available person having first-hand knowledge of the facts recited therein." Mr. Benavente states joint inventor Marta Abad Collado has "refused to sign the documents," including the declaration. Specifically, it is indicated that, on 04 April 2007, she "was given the Declaration/Power of Attorney documents to execute. She informed the Assignee that she refused to sign the documents." However, it is not clear whether she was presented with a complete copy of the application papers prior to the alleged refusal. The "Declaration..." further states that, "on May 24, 2007, Marta Abad Collado was given 72 hours to respond... she did not respond." However, it is unclear whether additional attempts were made to present her with an oath or declaration and a copy of the application at that time. The petition is also accompanied

by a copy and translation of a letter dated 24 May 2007, including a hand-written note and translation thereof. However, the probative value of the translated handwritten note is unclear because it is partially obscured. To the extent that it refers to a meeting during which an oral refusal may have been made, a statement describing that refusal made on the basis of first-hand knowledge would be appropriate. For the reasons described, it would not be appropriate to conclude that the inventor's conduct constitutes a constructive refusal within the meaning of 37 CFR 1.47(a)(or that the inventor could not be found or reached after diligent effort). Requirement (2) has not been met.

Regarding **requirement (3)**, the petition includes a statement of the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 30 June 2008 reveals that it has been signed by joint inventors Alio Sanz and Sanchez Torregrosa on behalf of themselves and non-signing joint inventor Abad Collado. This declaration satisfies requirement (4).

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

6 MAY 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

RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

In re Application of	:	
Alio Sanz et al.	:	
Application No.: 11/666,306	:	DECISION
PCT No.: PCT/ES2005/070150	:	
Int. Filing Date: 25 October 2005	:	ON
Priority Date:26 October 2004	:	
Attorney Docket No.: TJA-170US	:	PETITION
For: Bicomponent Bioadhesive For Biomedical Use	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 06 March 2009.

DISCUSSION

In a Decision mailed on 15 September 2008, the petition under 37 CFR 1.47(a) filed on 30 June 2008 was dismissed, without prejudice, because

> Regarding **requirement (2)**, petitioner presents a "Declaration Pursuant To 37 C.F.R. § 1.47(a)"signed by D. Fernando Benavente, who states that "this statement is being made by the available person having first-hand knowledge of the facts recited therein." Mr. Benavente states joint inventor Marta Abad Collado has "refused to sign the documents," including the declaration. Specifically, it is indicated that, on 04 April 2007, she "was given the Declaration/Power of Attorney documents to execute. She informed the Assignee that she refused to sign the documents." However, it is not clear whether she was presented with a complete copy of the application papers prior to the alleged refusal. The "Declaration..." further states that, "on May 24, 2007, Marta Abad Collado was given 72 hours to respond... she did not respond." However, it is unclear whether additional attempts were made to present her with an oath or declaration and a copy of the application at that time. The petition is also accompanied by a copy and translation of a letter dated 24 May 2007, including a hand-written note and translation thereof. However, the probative value of the translated handwritten note is unclear because it is partially obscured. To the extent that it refers to a meeting during which an oral refusal may have been made, a statement describing that refusal made on the basis of first-hand knowledge would be appropriate. For the reasons described, it would not be appropriate to conclude that the inventor's conduct constitutes a constructive refusal within the meaning of 37 CFR 1.47(a)(or that the inventor could not be found or reached after diligent effort). Requirement (2) has not been met.

In response, petitioner has provided a "Declaration Pursuant To 37 C.F.R. § 1.47(a)" signed by D. Fernando Benavente on 13 February 2009. Mr. Benavente indicates that Ms. Collado was "given the complete application" on 04 April 2007, but said application is characterized as a "liberal translation" (as opposed to a "literal translation"); as such, it is not clear from Mr. Benavente's statement that the application provided was in fact an accurate representation of the application as filed. Clarification is required.

Mr. Benavente also presents evidence of an unsuccessful attempt to transmit a copy of the application on 22 December 2008. Inspection of the evidence of record suggests that the copy of the application was sent as a "registered fax," but petitioner has not clearly described the procedure by which such faxes are transmitted. Does the transmission of a "registered fax" result in the delivery or attempted delivery of correspondence to the recipient's physical postal address?

Petitioner also has not provided a complete copy of the hand-written note and translation thereof, dated 24 May 2007 and discussed in the previous decision. Nor has petitioner stated whether this documentation is unavailable. For these reasons, requirement (2) is not regarded at this time as having been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

3 1 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

RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

In re Application of	:	
Alio Sanz et al.	:	
Application No.: 11/666,306	:	DECISION
PCT No.: PCT/ES2005/070150	:	
Int. Filing Date: 25 October 2005	:	ON
Priority Date:26 October 2004	:	
Attorney Docket No.: TJA-170US	:	PETITION
For: Bicomponent Bioadhesive For Biomedical Use	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 06 July 2009.

DISCUSSION

In a Decision mailed on 06 May 2009, the renewed petition under 37 CFR 1.47(a) filed on 06 March 2009 was dismissed, without prejudice, because

> petitioner has provided a "Declaration Pursuant To 37 C.F.R. § 1.47(a)" signed by D. Fernando Benavente on 13 February 2009. Mr. Benavente indicates that Ms. Collado was "given the complete application" on 04 April 2007, but said application is characterized as a "liberal translation" (as opposed to a "literal translation"); as such, it is not clear from Mr. Benavente's statement that the application provided was in fact an accurate representation of the application as filed. Clarification is required.
>
> Mr. Benavente also presents evidence of an unsuccessful attempt to transmit a copy of the application on 22 December 2008. Inspection of the evidence of record suggests that the copy of the application was sent as a "registered fax," but petitioner has not clearly described the procedure by which such faxes are transmitted. Does the transmission of a "registered fax" result in the delivery or attempted delivery of correspondence to the recipient's physical postal address?
>
> Petitioner also has not provided a complete copy of the hand-written note and translation thereof, dated 24 May 2007 and discussed in the previous decision. Nor has petitioner stated whether this documentation is unavailable. For these reasons, requirement (2) is not regarded at this time as having been satisfied.

In **response**, petitioner clarifies that the declaration discussed in the Benavente "Declaration..." dated 13 February 2009 was a "literal" translation, and indicates that the use of the word "liberal" constitutes a mere typographical error. Petitioner also clarifies that a "burofax results in the delivery or attempted delivery of correspondence to the recipient's physical postal address." Petitioner further has provided a Spanish language transcription and English translation of the hand-written note dated 24 May 2007. Based on the totality of the evidence now of record, it would be appropriate to conclude that Ms. Collado has refused to execute the application within the meaning of 37 CFR 1.47(a).

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 her 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 **30 June 2008** (the date the declaration was filed).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

3 1 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

Marta Abad Collado
C/Badajoz, 5
Alicante 03015
SPAIN

In re Application of
Alio Sanz et al.
Application No.: 11/666,306
PCT No.: PCT/ES2005/070150
Int. Filing Date: 25 October 2005
Priority Date:26 October 2004
Attorney Docket No.: TJA-170US
For: Bicomponent Bioadhesive
For Biomedical Use

Dear Ms. Collado:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

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

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 (Marta ABAD COLLADO) 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/ES2005/070150 and was filed on October 25, 2005 in the names of Jorge Luciano ALIO SANZ, Marta ABAD COLLADO and Alejandra SANCHEZ TORREGROSA for the invention entitled BICOMPONENT BIOADHESIVE FOR BIOMEDICAL USE . The national stage application number is 11/666,306 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of June 30, 2008.

0 1 JUN 2007

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

Liner Yankelevitz Sunshine and Regenstreif, LLP
1100 Glendon Avenue, 14th Floor
Los Angeles, CA 90024

In re Application of :
KRESS et al. :
Application No.: 11/666,345 : DECISION ON PETITION
PCT No.: PCT/US04/10831 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 08 April 2004 :
Priority Date: 26 June 2003 :
Attorney Docket No.: 16018.900143 :
For: APPLICATOR FOR HAIR BUILDING SOLIDS

The petition to revive under 37 CFR 1.137(b) filed 27 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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

06/01/2007 SBASHEIR 00000001 502899 11666345
Sale Ref: 00000001 DA#: 502899 11666345
01 FC:2453 750.00 DA

UNITED STATES PATENT AND TRADEMARK OFFICE

04 AUG 2008

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

Stefan J. Kirchanski
Venable LLP
2049 Century Park East
Suite 2100
Los Angles, CA 90703

In re Application of :
KRESS et al. :
Application No.: 11/666,345 :
PCT No.: PCT/US04/10831 : PETITION UNDER
Int. Filing Date: 08 April 2004 : 37 CFR 1.47(a)
Priority Date: 26 June 2003 :
Attorney Docket No.: 16018.900143 :
For: APPLICATOR FOR HAIR BUILDING SOLIDS :

This decision is issued in response to applicants' "Response to Notification of Missing Requirements" filed 02 April 2008 which is being treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 08 April 2004, applicants filed international application PCT/US04/10831 which claimed a priority date of 26 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 February 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 December 2006.

On 27 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a petition to revive under 37 CFR 1.137(b). In a decision dated 01 June 2007, applicants' under 37 CFR 1.137(b) was dismissed without prejudice.

On 15 February 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 02 April 2008, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Applicants have satisfied Item (1) and (4).

As authorized, the $200 petition fee has been charged to applicant's deposit account. Therefore, item (1) is satisfied.

As to item (2), petitioner states that David Earnest cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, David Earnest. Petitioner states that non-signing inventor "cannot be found or reached after diligent effort." However, no documentary evidence to support the failed attempts were provided with the present petition. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

As stated above, in order to meet the requirements of 37 CFR 1.47(a) and Section 409.03(d) of the MPEP, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers were sent to Stuart Builder and when such papers were sent and that David Earnest has subsequently refused to execute the application.

Regarding item (3), applicants have not provided the last known address of the nonsigning inventor (David Earnest). Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (David Earnest). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

19 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stefan J. Kirchanski
Venable LLP
2049 Century Park East
Suite 2100
Los Angles, CA 90703

In re Application of
KRESS et al.
Application No.: 11/666,345
PCT No.: PCT/US04/10831
Int. Filing Date: 08 April 2004
Priority Date: 26 June 2003
Attorney Docket No.: 16018.900143
For: APPLICATOR FOR HAIR BUILDING SOLIDS

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)" filed 06 October 2008.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 04 August 2008. That decision dismissed applicants' petition without prejudice for failure to satisfy all the requirements for a grantable petition. Specifically, applicants had failed to provide: (1) a statement of the last known address of the missing inventor, and (2) an adequate showing that the nonsigning inventor cannot be located after diligent effort.

On 06 October 2008, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes a statement of the last known address of the missing inventor. Accordingly, applicants have now satisfied the statement of the last known address of the missing inventor requirement for a grantable petition.

The final requirement is an acceptable showing that the nonsigning inventor has refused to execute the declaration or cannot be located after diligent effort. Petitioner states that the nonsigning inventor "cannot be found or reached after diligent effort." As discussed in the previous decision, no documentary evidence to support the purported failed attempts were provided with the present petition. Further, petitioner states "the (internet) search produced a large number of possibilities as indicated by the attached

However, petitioner has not provided any evidence that a diligent effort has been made to locate a current home address for this inventor, from the internet search result, and deliver a request for signature, with a copy of the complete application papers, to such address (i.e., firsthand evidence, with documentary support, of internet searches and other inquiries made to locate the inventor). Absent such a showing, it cannot be concluded that this inventor cannot be located after diligent effort.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

17 APR 2009

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

Stefan J. Kirchanski
Venable LLP
2049 Century Park East
Suite 2100
Los Angles, CA 90703

In re Application of :
KRESS et al. :
Application No.: 11/666,345 : DECISION ON
PCT No.: PCT/US04/10831 : PETITION UNDER
Int. Filing Date: 08 April 2004 : 37 CFR 1.47(a)
Priority Date: 26 June 2003 :
Attorney Docket No.: 16018.900143 :
For: APPLICATOR FOR HAIR BUILDING SOLIDS :

In a decision mailed by this Office on 19 December 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate proof that the inventors refused to execute the application or cannot be reached after diligent effort.

On 19 February 2009, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Sandra B. Paulo, with supporting documents, describing efforts made to locate the nonsigning inventor. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor David Earnest.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

Anthony R

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

UNITED STATES PATENT AND TRADEMARK OFFICE

17 APR 2009

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

David Earnest
7270 Franklin Avenue, #131
Los Angeles, CA 90046

In re Application of
KRESS et al.
Application No.: 11/666,345
PCT No.: PCT/US04/10831
Int. Filing Date: 08 April 2004
Priority Date: 26 June 2003
Attorney Docket No.: 16018.900143
For: APPLICATOR FOR HAIR BUILDING SOLIDS

Dear David Earnest:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Stefan J. Kirchanski
Venable LLP
2049 Century Park East
Suite 2100
Los Angles, CA 90703

27 SEP 2007

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

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217

In re Application of	:	
CORNELIS et al.	:	
Application No.: 11/666,379	:	DECISION ON
PCT No.: PCT/NL2005/000765	:	
Int. Filing Date: 25 October 2005	:	PETITION UNDER
Priority Date: 26 October 2004	:	
Attorney Docket No.: BARSI-1045183	:	37 CFR 1.137(b)
For: CLEANING APPARATUS, SUCH AS FOR SYNTHETIC GRASS	:	

This decision is in response to applicant's submission filed 22 August 2007.

BACKGROUND

On 25 October 2005, applicant filed international application PCT/NL2005/000765 that designated the U.S. and claimed a priority date of 26 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 April 2007.

On 25 April 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, an authorization to charge deposit account number 15-1990 in the amount of $660.00.

On 30 April 2007, an attempt was made to charge deposit account number 15-1990, however, that deposit account number was not found in the database. On 07 August 2007, a Notice of Abandonment was mailed. On 20 August 2007, applicant filed a Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b). On 22 August 2007, applicant filed a Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), requesting non-consideration of the previously filed Petition for Revival in favor of consideration of the Petition to Withdraw Holding of Abandonment.

DISCUSSION

Applicant argues that a requirement for the filing of a Petition to Revive and the accompanying fee of $1500 are unjust in view of a typographical error of which Applicant was not notified or given an opportunity to correct.

37 CFR 1.495 specifies in pertinent part that "(b) To avoid abandonment of the application, the applicant shall furnish...not later than the expiration of thirty months from the priority date: (1) A copy of the international application...; and (2) the basic national fee..." The thirty-month time period for paying the basic national fee in this application expired at midnight on 26 April 2007. The submission for entry into national stage was filed one day prior to the expiration of that time period, on 25 April 2007.

The first attempt to charge the deposit account referenced in the submission was 30 April 2007, after the expiration of the thirty-month time period. The referenced deposit account was not found, and no authorization was provided to charge any other deposit account. Even if an attempt had been made to identify the correct deposit account as suggested, no charge could have been made in the absence of a specific authorization.

Even if applicant had been notified of the error in the number of the deposit account as soon as it was discovered on 30 April 2007, and had immediately provided the appropriate authorization to charge the correct deposit account in response to the inquiry, abandonment of the application would not have been prevented, since the application was already abandoned on 26 April 2007 in accordance with 37 CFR 1.495(b).

CONCLUSION

The petition under 37 CFR 1.181(a) is **DISMISSED** 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.

Susan C. Wolski
PCT Special Programs Examiner
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3304

Leonard Smith
Supervisory PCT Legal Examiner
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3297

DATE 27 SEP 2007

APPLICATION NUMBER 11/666,379

DOC CODE PET.

DOC DATE 8/20/07 ~~8/27/07~~

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

8-20-2007

PTO/SB/64/PCT (10-05)
Approved for use through 03/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Express Mail No. EM 155866821 US

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 INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) BARSI-1045183

First Named Inventor: BOS, Anton Cornelis

International (PCT) Application No.: PCT/NL2005/000765 U.S. Application No.:11/666,379

International Filing Date: October 25, 2005 Filed: April 25, 2007

Title: CLEANING APPARATUS, SUCH AS FOR SYNTHETIC GRASS

RECEIVED
21 AUG 2007
Legal Staff
International Division

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371 (c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371 (c) requirements were due. See 37CFR1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee
(2) Proper reply
(3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee $_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee $1,500. (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371 (c) requirement(s)) in the form of Basic National Fee under 37 C.F.R. 1.492(a) (identify type of reply):

☐ has been filed 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 PCT, 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.

American LegalNet, Inc.
www.USCourtForms.com

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date 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.

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.

BROOKS GIFFORD, III (Reg. No. 58,929) for Laurie Axford

Signature — August 20, 2007 (Date)

Laurie A. Axford (Typed or Printed Name) — 35,053 (Registration Number, if applicable)

Gordon & Rees LLP (Address) — (619) 696-6700 (Telephone Number)

101 West Broadway, Suite 1600, San Diego, CA 92101 (Address)

Enclosures:
☐ Response
☒ Fee Payment
☐ Terminal Disclaimer
☒ Other (please identify): Copy of Notice of Abandonment; marked-up copy of Form PTO-1390, submitted April 25, 2007; and Corrected Form PTO-1390, submitted herewith.

American LegalNet, Inc.
www.USCourtForms.com

IAP6 Rec'd PCT/PTO 20 AUG 2007

PTO/1390 (Rev. 06-2006)
Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Express Mail No. EM 155866821 US

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.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 (Corrected)

ATTORNEY'S DOCKET NUMBER	
BARSI-1045183	
U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/NL2005/000765	25 October 2005 (25.10.2005)	26 October 2004 (26.10.2004)

TITLE OF INVENTION
CLEANING APPARATUS, SUCH AS FOR SYNTHETIC GRASS

APPLICANT(S) FOR DO/EO/US
Anton Cornelis BOS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371. **(corrected)**
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
   a. ☒ is attached hereto (required only if not communicated by the International Bureau)
   b. ☐ has been communicated by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. ☐ is attached hereto.
   b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. ☐ are attached hereto (required only if not communicated by the International Bureau),
   b. ☐ have been communicated by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
   d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4))
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern documents) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13*ter*.2and 37 CFR 1.821- 1.825.
18. ☒ second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. 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 15 minutes to complete, including gathering information, preparing, and submitting the completed 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 PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

American LegalNet, Inc.
www.FormsWorkflow.com

PTO-1390 (Rev. 09-2006)
Approved for use through 3/31/2007. OMB 0651-0021
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.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
11/666,379	PCT/NL2005/000765	BARSI-1045183

20. Other items or information:
Notification Concerning Submission of Transmittal of Priority Document

The following fees have been submitted	CALCULATIONS	PTO USE ONLY
21. ☒ Basic national fee (37 CFR 1.492(a)) **$300**	$ 300.00	
22. ☒ Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... **$0** All other situation **$200**	$ 200.00	
23. ☒ Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... **$0** Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... **$100** International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the USA by the IB ..... **$400** All other situations **$500**	$ 400.00	
TOTAL OF 21, 22 and 23 =	$ 900.00	

☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) 37 CFR 1.492(j))
The fee is **$250** for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round **up** to a whole number)	RATE	
16 -100 =	0 /50 =		x **$250**	$

Surcharge of **$130.00** for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).	$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	9 -20 =	0	x **$50**	$	
Independent claims	1 -3 =		X **$200**	$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		6	+ **$360**	$ 360.00	
			TOTAL OF ABOVE CALCULATIONS =	$	
☐ Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.					
			SUBTOTAL =	$ 1,260.00	
Processing fee of **$130.00** for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). +				$	
			TOTAL NATIONAL FEE =	$	1,260.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **$40.00** per property +				$	
			TOTAL FEES ENCLOSED =	$	1,260.00
			Amount to be refunded:	$	
			Amount to be charged:	$	

American LegalNet, Inc.
www.FormsWorkflow.com

a. ☐ A check in the amount of $ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 50-1990 in the amount of $1,260.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1990. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **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. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do **NOT** attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is **not** recommended and by doing so **your credit card information may be displayed via PAIR.** To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

Brooks Gifford III (Reg. No. 58,929)
for Laurie A. Axford

August 20, 2007
SIGNATURE DATE

Laurie A. Axford
NAME

35,053
REGISTRATION NUMBER

SEND ALL CORRESPONDENCE TO:
Customer No. 27111
GORDON & REES LLP
101 West Broadway
Suite 1600
San Diego, CA 92101
Telephone (619) 696-6700
Facsimile (619) 696-7124

BARSI/1045183/5056203v.1

American LegalNet, Inc.
www.FormsWorkflow.com

PTO-1390 (Rev. 09-2006)
Approved for use through 3/31/2007. OMB 0651-0021
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.

a. ☐ A check in the amount of $ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 50-1990 in the amount of $1,260.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1990. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **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. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do **NOT** attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is not recommended and by doing so **your credit card information may be displayed via PAIR.** To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

Brooks Gifford III (Reg. No. 58,929)
for Laurie A. Axford

SEND ALL CORRESPONDENCE TO:
Customer No. 27111
GORDON & REES LLP
101 West Broadway
Suite 1600
San Diego, CA 92101
Telephone (619) 696-6700
Facsimile (619) 696-7124

SIGNATURE — DATE: August 20, 2007

Laurie A. Axford
NAME

35,053
REGISTRATION NUMBER

BARSI/1045183/5056203v.1

American LegalNet, Inc.
www.FormsWorkflow.com

Marked-up Copy

PTO-1390 (Rev. 09-2006)
Approved for use through 3/31/2007. OMB 0651-0021
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.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

Express Mail No. EV 838534182 US

ATTORNEY'S DOCKET NUMBER	
BARSI-1045183	
U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE
PCT/NL2005/000765	25 October 2005 (25.10.2005)
PRIORITY DATE CLAIMED	
26 October 2004 (26.10.2004)	

TITLE OF INVENTION
CLEANING APPARATUS, SUCH AS FOR SYNTHETIC GRASS

APPLICANT(S) FOR DO/EO/US
Anton Cornelis BOS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
   a. ☒ is attached hereto (required only if not communicated by the International Bureau)
   b. ☐ has been communicated by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. ☐ is attached hereto.
   b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. ☐ are attached hereto (required only if not communicated by the International Bureau),
   b. ☐ have been communicated by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
   d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4))
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern documents) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13*ter*.2and 37 CFR 1.821- 1.825.
18. ☒ second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. 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 15 minutes to complete, including gathering information, preparing, and submitting the completed 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 PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

American LegalNet, Inc.
www.FormsWorkflow.com

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.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
	PCT/NL2005/000765	BARSI-1045183

20. Other items or information:
Notification Concerning Submission of Transmittal of Priority Document

The following fees have been submitted	CALCULATIONS	PTO USE ONLY
21. ☒ Basic national fee (37 CFR 1.492(a)) $300	$	
22. ☒ Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... $0 All other situation $200	$ 200.00	
23. ☒ Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... $0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... $100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the USA by the IB ..... $400 All other situations $500	$ 400.00	
TOTAL OF 21, 22 and 23 =	$ 600.00	
☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) 37 CFR 1.492(j)) The fee is $250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets: 16 -100 =	Extra Sheets: 0 /50 =	Number of each additional 50 or fraction thereof (round up to a whole number): 0
RATE: x $250	$ 0	
Surcharge of $130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).	$	

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	$
Total claims	9 -20 =	0	x $50	$ 0.00
Independent claims	1 -3 =	0	X $200	$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		6	+ $360	$ 360.00
			TOTAL OF ABOVE CALCULATIONS =	$ 660.00
☐ Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				
			SUBTOTAL =	$ 660.00
Processing fee of $130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). +				$
			TOTAL NATIONAL FEE =	$ 660.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). $40.00 per property +				$
			TOTAL FEES ENCLOSED =	$ 660.00
			Amount to be refunded:	$
			Amount to be charged:	$

American LegalNet, Inc.
www.FormsWorkflow.com

Express Mail No. EV 838534182 US

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.

a. ☐ A check in the amount of $ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 15-1990 in the amount of $660.00 to cover the above fees.
A duplicate copy of this sheet is enclosed. 50-1990

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-1990. A duplicate copy of this sheet is enclosed. 50-1990

d. ☐ Fees are to be charged to a credit card. **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. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do **NOT** attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is **not** recommended and by doing so **your credit card information may be displayed via PAIR.** To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

Craig H. Curtis (Reg. No. 58,470)
for Laurie A. Axford

April 25, 2007
SIGNATURE DATE

Laurie A. Axford
NAME

35,053
REGISTRATION NUMBER

SEND ALL CORRESPONDENCE TO:
Customer No. 27111
GORDON & REES LLP
101 West Broadway
Suite 1600
San Diego, CA 92101
Telephone (619) 696-6700
Facsimile (619) 696-7124

BARSI/1045183/433037v.1

American LegalNet, Inc.
www.FormsWorkflow.com

Express Mail No. EM 155866821 US PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Customer No.: 27111
BOS, Anton Cornelis	Confirmation No.: 7656
Serial No.: 11/666,379	Group Art Unit: UNKNOWN
Filed: April 25, 2007	Examiner: UNKNOWN
Based on International Application No.: PCT/NL2005/000765 International Filing Date: October 25, 2005	Docket No.: BARSI-1045183
For: CLEANING APPARATUS, SUCH AS FOR SYNTHETIC GRASS	

PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Attention: PCT Legal Staff
Mail Stop **PCT**
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The enclosed Petition for Revival is being filed in response to the Notification of Abandonment mailed August 7, 2007. The application became abandoned because form PTO-1390, authorizing payment of the National Filing Fee (submitted April 25, 2007) contained typographical errors. Enclosed herewith please find:

1.) Petition for Revival under 37 C.F.R. § 1.137(b);

2.) Petition Fee under 37 C.F.R. § 1.17(m);

3.) Statement that the entire delay was unintentional;

4.) Required Reply (corrected form PTO-1390 authorizing payment of National Filing Fee under 37 C.F.R. § 1.495(b)(2));

5.) Copy of previously submitted form PTO-1390 (marked-up) containing typographical errors; and

6.) Copy of Notice of Abandonment mailed August 7, 2007.

The original submission of form PTO-1390 contained typographical errors on both page 2 and 3. On page 2, although the box was checked indicating the submission of the Basic National Fee, the actual number was omitted from the calculation column. On page 3, there was a typographical error in the identification of the deposit account number, which was erroneously identified as 15-1990. It should correctly read: **50-1990**.

The required reply under 37 C.F.R. § 1.137(b)(1) is payment of the Basic National Fee under 37 C.F.R. § 1.495(b)(2), which is authorized on page 2 of and 3 of corrected form PTO-1390, enclosed herewith. Although not required to revive the application under 37 C.F.R. § 1.137(b), Applicant also authorizes payment of the Examination Fee, the Search Fee, and Multiple Dependent Claim fee, as also indicated on enclosed form PTO-1390.

If the Office believes that it would facilitate processing of the application, Applicant's attorney, Laurie A. Axford, may be contacted at (619) 696-6700, or at laxford@gordonrees.com.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account **50-1990** and please credit any excess fees to such deposit account.

Respectfully submitted,

(58,929)
BROOKS GIFFORD III FOR
Laurie A. Axford

Dated: August 20, 2007

By: _____
Laurie A. Axford
Registration No. 35,053

Please recognize our Customer Number 27111 as our correspondence address.

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217
Phone: (619) 696-6700
Facsimile: (619) 696-7121
Attorney Docket No. BARSI-1045183

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

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/666,379	Anton Cornelis Bos	BARSI-1045183

INTERNATIONAL APPLICATION NO.	
PCT/NL05/00765	
I.A. FILING DATE	PRIORITY DATE
10/25/2005	

27111
GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO, CA 92101

RECEIVED
AUG 10 2007
Gordon & Rees

docketed

CONFIRMATION NO. 7656

371
ABANDONMENT/TERMINATION LETTER

OC000000025215352

Date Mailed: 08/07/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495,and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

12 FEB 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217

In re Application of	:	
CORNELIS et al.	:	
Application No.: 11/666,379	:	DECISION ON
PCT No.: PCT/NL2005/000765	:	
Int. Filing Date: 25 October 2005	:	PETITION UNDER
Priority Date: 26 October 2004	:	
Attorney Docket No.: BARSI-1045183	:	37 CFR 1.137(b)
For: CLEANING APPARATUS, SUCH AS FOR SYNTHETIC GRASS	:	

This decision is in response to applicant's Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) filed 13 November 2007. The required $1500.00 petition fee has been paid.

BACKGROUND

On 25 October 2005, applicant filed international application PCT/NL2005/000765 that designated the U.S. and claimed a priority date of 26 October 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 April 2007.

On 25 April 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, an authorization to charge deposit account number 15-1990 in the amount of $660.00.

On 30 April 2007, an attempt was made to charge deposit account number 15-1990, however, that deposit account number was not found in the database. On 07 August 2007, a Notice of Abandonment was mailed. On 20 August 2007, applicant filed a Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b). On 22 August 2007, applicant filed a Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), requesting non-consideration of the previously filed Petition for Revival in favor of consideration of the Petition to Withdraw Holding of Abandonment.

On 27 September 2007, the Petition to Withdraw Holding of Abandonment was DISMISSED.

On 13 November 2007, applicant filed a Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally 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), Deposit Account 50-1990 was charged for the basic national fee on 22 August 2007.

As to item (2), Deposit Account 50-1990 was charged for the petition fee on 15 November 2007.

As to item (3), applicant provided the required statement on 13 November 2007.

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.

Susan C. Wolski
PCT Special Programs Examiner
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3304

Leonard Smith
Supervisory PCT Legal Examiner
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3297

2 8 APR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET
SUITE 4400
CHICAGO IL 60606-5096

In re Application of	:	
DIAS, Tilak et al.	:	
Application No.: 11/666,380	:	DECISION
PCT No.: PCT/GB2004/004608	:	
Int. Filing Date: 29 October 2004	:	ON PETITION UNDER
Priority Date: None	:	
Docket No.: 077165-0055	:	37 CFR 1.47(a)
For: SWITCHES IN TEXTILE STRUCTURES	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 19 February 2008.

BACKGROUND

On 29 October 2004, applicants filed international application no. PCT/GB2004/004608, claiming a priority date of 08 July 2004. A copy of the international application was transmitted to the Office by the International Bureau on 04 May 2006. The deadline for payment of the basic national fee in the United States was 29 April 2007.

On 26 April 2007, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 27 September 2007, the Office mailed 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 were required.

On 19 February 2008, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors and the fee for a three month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) have been met. The petition fee of $200 has been paid. Applicant states the last known address of Ravindra Wijesiriwardana as Flat E7.3, Victoria Hall, 28 Higher Cambridge Street, Manchester, N15 6AA, United Kingdom.

Item (2) has not been satisfied. The petition must supply proof that applicant has been unable to locate the non-signing inventor, after a diligent effort. MPEP §409.03(d). A demonstration of a diligent effort should include copies of internet searches and a first hand statement of facts supporting a diligent effort to locate. Applicants have provided copies of internet searches, but ordinarily, the internet searches are conducted in the "white pages" or "people" portion of the database. Applicants have a lead that the inventor is located in the United States. Internet Searches in white pages databases for the United States would be appropriate. Telephone calls to possible numbers should be documented by way of firsthand declaration.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed 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

29 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET
SUITE 4400
CHICAGO IL 60606-5096

In re Application of	:	
DIAS, Tilak et al.	:	
Application No.: 11/666,380	:	DECISION
PCT No.: PCT/GB2004/004608	:	
Int. Filing Date: 29 October 2004	:	ON PETITION UNDER
Priority Date: None	:	
Docket No.: 077165-0055	:	37 CFR 1.47(a)
For: SWITCHES IN TEXTILE STRUCTURES	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 01 August 2008.

BACKGROUND

On 28 April 2008, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 01 August 2008, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors and the fee for a one month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) were previously met. Applicant states the last known address of Ravindra Wijesiriwardana as Flat E7.3, Victoria Hall, 28 Higher Cambridge Street, Manchester, N15 6AA, United Kingdom.

Item (2) has now been satisfied.

CONCLUSION

For the above reasons, applicant's 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 nonsigning 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 Patent Application Processing for continued national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **19 February 2008**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

29 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ravindra Wijesiriwardana
Flat E7.3, Victoria Hall
28 Higher Cambridge Street
Manchester, N15 6AA
United Kingdom

In re Application of
DIAS, Tilak et al.
Application No.: 11/666,380
PCT No.: PCT/GB2004/004608
Int. Filing Date: 29 October 2004
Priority Date: None
Docket No.: 077165-0055
For: SWITCHES IN TEXTILE STRUCTURES

Dear Mr. Wijesiriwardana:

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. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET
SUITE 4400
CHICAGO IL 60606-5096

22 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
HAN, Wenming et al.	:	
Application No.: 11/666,390	:	DECISION
PCT No.: PCT/CN2004/001239	:	
Int. Filing Date: 29 October 2004	:	ON PETITION UNDER
Priority Date:	:	
Docket No.: B837.312-0001	:	37 CFR 1.137(b)
For: MECHANICALLY CONTROLLED CONTINUOUSLY VARIABLE AUTOMATIC TRANSMISSION	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 13 May 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 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 furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and paid the surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date.

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 13 May 2008.

/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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/666,408	06/05/2009	Reinhard Weiberle	10191/4701	9605

26646 7590 12/23/2009
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
CHU, GABRIEL L	

ART UNIT	PAPER NUMBER
2114	

MAIL DATE	DELIVERY MODE
12/23/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

DEC 22 2009

TECHNOLOGY CENTER 2100

12/22/09

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of:
WEIBERLE, et al
Appl. No.: 11/666,408
Filed: June 05, 2009, eff. dt. April 25, 2007
For: METHOD, OPERATING SYSTEM AND COMPUTING HARDWARE FOR RUNNING A COMPUTER PROGRAM

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed November 24, 2009, to expunge information unintentionally submitted in papers filed November 12, 2009.

The petition is **GRANTED**.

Petitioner requests that the documents entitled "Supplemental Information Disclosure Statement and Amendment" filed on November 12, 2009, be expunged from the record. Petitioner states that the documents were intended to have been filed in another pending patent application, rather than to be entered into the instant application. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The information in question has been determined by the undersigned not to be material to the examination of the instant application.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been closed from public view and will not be returned to applicant.

Any inquiry concerning this decision should be directed to Brian Johnson whose telephone number is (571) 272-3595.

Nestor Ramirez
Director
Technology Center 2100
Computer Architecture, Software, and
Information Security

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

DEC 0 7 2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of:
Edward Conway.
Serial No.: 11/666,430
Filed: April 27, 2007
Attorney Docket No.: **BJS-4465-13**

:

DECISION ON PETITION TO VACATE NOTICE OF NON-COMPLIANT AMENDMENT

This is in response to applicant's petition under 37 CFR. § 1.181(a), filed on November 26, 2009, to have the notice of non-compliant amendment withdrawn.

The petition and file history have been carefully reviewed.

The basis for the holding of non-compliant amendment was that the amendment filed on October 13, 2009 cancelled all claims drawn to the elected invention and presented only claims drawn to a non-elected invention and was thus non-responsive (MPEP § 821.03). The examiner indicated the claims were not readable on the elected invention because Applicants initial invention was drawn to the use of survivin to produce a medicament. The amended claims filed October 13, 2009 were drawn to a method of preventing and/or treating renal failure using survivin.

Applicants argue that the notice is improper because it is not sufficiently supported and not complete. Applicant also believes the claims were examined to the extent they were method claims.

Applicant's arguments are not persuasive as the claims before the examiner when the non-final action of July 13, 2009 was prepared were "use claims". These claims were properly rejected under 35 USC 101 as directed to non-statutory subject matter. In order to advance prosecution, the examiner treated the claims as product claims for examination which is proper given the fact that the claims were non-statutory. Furthermore, one cannot assume a **complete examination** of method of treatment and prevention claims was performed by the examiner because of a search strategy contained in the PTO IFW indexed at July 13, 2009.

The amendment of November 26, 2009 will be entered.

Accordingly, applicant's petition is **DENIED** and the notice of non-compliant amendment will not be withdrawn.

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 at 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

United States Patent and Trademark Office

06 NOV 2008

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

Gary M Cohen
Strafford Building Number Three
Suite 300
125 Strafford Avenue
Wayne PA 19087-3318

In re Application of :
Beck :
Application No.: 11/666,446 :
PCT No.: PCT/FR2005/002636 :
Int. Filing Date: 24 October 2005 : DECISION
Priority Date: 26 October 2004 :
Attorney Docket No.: SEDITI :
For: Dyeing Process On A Woven Product For The Purpose: :
Of Faded Effects Comprising An Application Of Mordant :
Before Weaving, The Dyeing Being Deferred Until After... :

This is in response to the "Response To Notification Of Missing Requirements..." filed on 03 June 2008, which is being treated as a petition to accept the declaration of inventorship.

BACKGROUND

This international application was filed on 24 October 2005, claimed an earliest priority date of 26 October 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 04 May 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 April 2007. Applicant filed *inter alia* the basic national fee on 26 April 2007.

On 31 January 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring the filing of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 03 June 2008, applicant filed the instant response.

On 30 October 2008, a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "06/03/2008" was mailed to applicant.

DISCUSSION

Applicant argues that the declaration under PCT Rule 4.17(iv) properly identifies the application to which it was directed because "the cover letter forwarding the Declaration clearly includes an identification of the International Application to which the filing was directed." Inspection of the copy of the declaration under Rule 4.17(iv) reveals that the declaration form was not completed to the extent that the international application number was omitted. Nor did the declaration accompany the filing of the PCT Request. Therefore, the declaration was not "worded as required" (*see* Rule 26ter.2).

Meanwhile, review of the copy of the declaration available at www.wipo.int reveals that said copy does show the international application number. However, comparison of the copy at

www.wipo.int with the copy submitted to the USPTO suggests that the international application number was added to the www.wipo.int copy after it was signed, constituting an impermissible alteration of the declaration. For these reasons, it would not be appropriate to accept the declaration under PCT Rule 4.17(iv) dated "16-11-05."

Review of the declaration filed on 03 June 2008, dated "25/05/08," reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Therefore, the 35 U.S.C. 371(c)(1), (2) and (4) date appearing on the Notice of Acceptance mailed on 30 October 2008 is correct.

DECISION

The petition is **DISMISSED**, without prejudice.

The declaration filed on 03 June 2008 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

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).

This application is being returned to Technology Center 3765.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

28 JUL 2009

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

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of	
NORDLUND et al.	
Application No.: 11/666,473	DECISION ON PETITION
PCT No.: PCT/FI05/00467	
Int. Filing: 28 October 2005	
Priority Date: 29 October 2004	
Attorney Docket No.: 3516-1003	
For: AVIDIN-LIKE PROTEINS FROM SYMBIOTIC BACTERIA	

This application is before the PCT Legal Office for consideration of applicant's "Response to Notice of Missing Requirements", requesting correction of the inventor's name, which was filed on 29 December 2008 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

On 28 October 2008, a Notification of Missing Requirements was mailed to applicant, indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. The notice explained that the last name of the first inventor was spelled differently in the published international application. A new declaration or an explanation of the name change was required.

On 29 December 2008, Applicant requested the correction of the inventor's name. Applicant explains the error in the inventor's name is a typographical error. See MPEP 201.03. [1] Applicant indicates that the first inventor's correct last name is **Nordlund**, rather than Norlund as incorrectly indicated in the international application as the result of a typographical error. Applicant's explanation of the difference in inventor's name is accepted and noted for the record.

For the reasons above, the Request is **GRANTED**. No petition fee is required.

Applicant is advised, however, that the executed declaration submitted on 04 August 2008 is not acceptable as it contains alterations.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly

[1] Section 201.03 of the Manual of Patent Examining Procedure states where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error to correct the name of the inventor.

subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. Thus, the declaration is unacceptable and does not satisfy the requirements of 37 CFR 1.47(a). A newly executed declaration, in compliance with 37 CFR 1.497(a) and (b), is required.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile: (571) 272-0459

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
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Ernst Kloppenburg	: DECISION ON REQUEST FOR
Patent Number	: 7628146	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,476	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

26 NOV 2007

KENNAMETAL INC.
P.O. BOX 231
1600 TECHNOLOGY WAY
LATROBE PA 15650

In re Application of :
Sheffler et al. :
Application No.: 11/666,526 :
PCT No.: PCT/US04/07688 :
Int. Filing Date: 26 February 2004 : DECISION
Earlier Priority Date: N/A :
Attorney Docket No.: K-2107 PCUS :
For: Cutting Tool For Rough And Finish Milling :

The petition to revive under 37 CFR 1.137(b) filed on 26 April 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 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 required reply in the form of the basic national fee, and has paid the petition 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.

Inspection of the declaration document filed on 26 April 2007 reveals that it appears to have been compiled by combining separate sheets signed by each inventor; complete copies of the documents as signed by the inventors have not been provided. MPEP 201.03 explains in part 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. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

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).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/666,557	02/27/2008	Byoung Kun Jeon	29137.294.00	9763

30827 7590 10/01/2009

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
ARENDT, PAISLEY L	

ART UNIT	PAPER NUMBER
2881	

MAIL DATE	DELIVERY MODE
10/01/2009	PAPER

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

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

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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006
UNITED STATES

In re Application of
Byoung Kun JEON, et al.
Application No.: 11/666,557
Filed: 27 February 2008
Attorney Docket No.: 29137.294.00
For: VERTICALLY ALIGNED LIQUID CRYSTAL DISPLAY HAVING A WIDE VIEWING COMPENSATION FILM USING +A-FILM AND +C-FILM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 31 August 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 2, 4-7 above are considered to have been met. The request to participate in the PPH program, however, fails to meet requirements 2, and 3.

Regarding requirement 1, it is not clear how the stated Korean application relates to the Korean priority application 10-2005-0020183 which is claimed in the U.S. application. It is noted that where the KR application that contains the allowable/patentable claims is not the same the application for which priority is claimed in the U.S. application, Petitioner must identify the

relationship between the KR application that contains the allowable/patentable claims and the KR priority application claimed in the U.S. application.

Regarding requirement 3, Petitioner has submitted a set of allowed claims in a Korean application 10-2006-0022859 and a claims correspondence table thereof. However, Petitioner has not amended the claims of the U.S. application to sufficiently correspond to the allowable/patentable claims in the stated KR application (assuming that it claims domestic priority to the Korean priority application). Claims 19 and 20 do not have a corresponding allowed claim in the Korean application 10-2006-0022859. In fact, claims 19-20 of the U.S. application recite "wherein the second +C-film functions as the internal protective film of the second polarizing plate". No such limitation is found in the allowed claims of Korean application 10-2006-0022859.

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
11/666,557	02/27/2008	Byoung Kun Jeon	29137.294.00	9763

30827 7590 12/23/2009

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
ARENDT, PAISLEY L	

ART UNIT	PAPER NUMBER
2883	

MAIL DATE	DELIVERY MODE
12/23/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006
UNITED STATES

In re Application of
Byoung Kun JEON, et al.
Application No.: 11/666,557
Filed: 27 February 2008
Attorney Docket No.: 29137.294.00
For: VERTICALLY ALIGNED LIQUID CRYSTAL DISPLAY HAVING A WIDE VIEWING COMPENSATION FILM USING +A-FILM AND +C-FILM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 31 August 2009, and renewed request to participate, filed 23 October 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition meet the requirements (1) through (7), above.

CONCLUSION

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.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

COPY MAILED

JUL 31 2008

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Schneider, Lutz	:	
Application No. 11/666,584	:	
Filed: April 27, 2007	:	
Attorney Docket No. H0075.70125US00	:	

This is in response to the paper filed July 9, 2008 under 37 CFR 1.27(c), seeking status as a small entity.

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.

The statement claiming small entity status has been made of record and small entity status has been accorded.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3282.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, VA 20195

COPY MAILED

OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Lars Stenmark, et al.	:	
Application No. 11/666,638	:	DECISION ON PETITION
Filed: October 25, 2007	:	TO WITHDRAW
Attorney Docket No. 19200-000076/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 21, 2008.

The request is **APPROVED**.

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

The request was signed by John Castellano 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: **Lars Stenmark**
Nedre Tradgardsgatan 10
Karlskoga, SE-691 41
Sweden

cc: **Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.**
700 Lavaca, Suite 800
Austin, TX 78701

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/666,638	10/25/2007	Lars Stenmark	19200-000076/US

CONFIRMATION NO. 2330

30593
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

POWER OF ATTORNEY NOTICE

OC000000032572284

Date Mailed: 10/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/21/2008.

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

/tswilliams/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/666,640	12/03/2007	Mahnaz Jahedi	P71901US0	2331

7590 05/10/2010

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

EXAMINER	
LIN, JAMES	

ART UNIT	PAPER NUMBER
1715	

MAIL DATE	DELIVERY MODE
05/10/2010	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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Rene Wegkamp	: DECISION ON REQUEST FOR
Patent Number	: 7661523	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,655	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **115** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

COPY MAILED
MAR 09 2010

In re Application of	:	
Baek et al.	:	
Application No. 11/666,676	:	DECISION ON PETITION
Filed: November 28, 2007	:	
Attorney Docket No. 8736.169.00	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 31, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 2, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 3, 2009. A Notice of Abandonment was mailed September 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 2836 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

16 SEP 2008

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

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

In re Application of KAWAMURA et al	:	
U.S. Application No.: 11/666,688	:	
PCT Application No.: PCT/JP2005/018707	:	DECISION
Int. Filing Date: 11 October 2005	:	
Priority Date Claimed: 11 November 2004	:	
Attorney Docket No.: 2007_0676A	:	
For: PORTABLE TERMINAL	:	

This is in response to applicant's "Petition Under 37 CFR 1.182" filed 29 January 2008.

BACKGROUND

On 11 October 2005, applicant filed international application PCT/JP2005/018707, which claimed priority of an earlier Japan application filed 11 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 May 2006. the thirty-month period for paying the basic national fee in the United States expired on 04 May 2007.

On 01 May 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 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905).

On 29 January 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

A review of the application file reveals that the surname of the first inventor is listed in the declaration as "Kawamura" whereas the surname of the first inventor is listed in the published international application as "Ebara".

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).

The present petition states that the surname of the first inventor has changed due to marriage. The requisite $400.00 petition fee has been submitted. The petition is accompanied by a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected in accordance with MPEP 605.04(c).

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 06 June 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 May 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

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

COPY MAILED

OCT 2 0 2008

OFFICE OF PETITIONS

In re Application of :
GIDNER, Anders :
Application No. 11/666,694 : DECISION ON PETITION
Filed: June 20, 2008 : TO WITHDRAW
Attorney Docket No. 19200-000077/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 21, 2008.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: MEYERTONS, HOOD, KIVLIN,
KOWERT & GOETZEL, P.C.
700 LAVACA
SUITE 800
AUSTIN TX 78701

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

RECEIVED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of :

GIDNER, Anders :
Application No. 11/666,694 : DECISION ON PETITION
Filed: June 20, 2008 : TO WITHDRAW
Attorney Docket No. **19200-000077/US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2008.

The request is **APPROVED**.

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

The request was signed by John Castellano on behalf of all attorneys of record who are associated with customer No. 30593. All attorneys/agents associated with the Customer Number 30593 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.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ANDERS GIDNER**
HERTIG CARLS ALLE 40
SE-691 41 KARLSKOGA
SWEDEN

cc: **MEYERTONS, HOOD, KIFLIN, KOWERT & GOETZEL, P.C.**
700 LAVACA, SUITE 800
AUSTIN TX 89802

29 JAN 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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
Thiam et al.	:	
Application No.: 11/666,716	:	
PCT No.: PCT/EP2005/055828	:	
Int. Filing Date: 08 November 2005	:	DECISION
Priority Date: 08 November 2004	:	
Attorney Docket No.: 15675P662	:	
For: Animal Models Comprising At Least One Conditional KO And One Conditional KI	:	

This is in response to the correspondence filed on 30 April 2007.

BACKGROUND

International application PCT/EP2005/055828 was filed on 08 November 2005, claimed an earlier priority date of 08 November 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 11 May 2006. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 08 May 2007. On 30 April 2007, applicants paid a basic national fee in 11/666,716.

On 25 November 2008, a Notice of Acceptance (Form PCT/DO/EO/903) and a Filing Receipt reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "04/30/2007" were mailed to applicants.

DISCUSSION

Review of the correspondence filed on 30 April 2007 reveals that the Transmittal Letter identified PCT/EP2005/055858, while the preliminary amendment referred to PCT/EP2005/055828. The title, inventor's name, international filing date and priority date appearing on the Transmittal Letter are consistent with PCT/EP2005/055828. In view of this discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. To resolve this matter, a petition under 37 CFR 1.182 is required. Any such petition must clearly indicate which international application was intended to enter the national stage in the United States.

It is observed that the declaration under PCT Rule 4.17(iv), a copy of which was filed on 18 November 2008, is directed toward PCT/EP2005/055858. To the extent that this application may have been intended instead as the national stage of PCT/EP2005/055828, the declaration is not accepted for purposes of 37 CFR 1.497(a) and (b)(since it identifies the wrong application and the wrong inventive entity). In addition, the S-signature appears not to comply with 37 CFR 1.4(d)(2)(iii) in that the name is not provided below or adjacent the S-signature.

The Notice of Acceptance (Form PCT/DO/EO/903) and Filing Receipt mailed on 25 November 2008 are hereby **VACATED** in view of the discrepancy noted above.

DECISION

The declaration filed on 18 November 2008 is **NOT ACCEPTED**, without prejudice, for the reasons described above.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Said response should include a cover letter entitled "Petition Under 37 CFR 1.182." 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

2 0 MAR 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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of :
Thiam et al. :
Application No.: 11/666,716 :
PCT No.: PCT/EP2005/055828 :
Int. Filing Date: 08 November 2005 : DECISION
Priority Date: 08 November 2004 :
Attorney Docket No.: 15675P662 :
For: Animal Models Comprising At Least One :
Conditional KO And One Conditional KI :

This is in response to the petition under 37 CFR 1.182 filed on 05 March 2009..

DISCUSSION

In a Decision mailed on 29 January 2009, applicants were advised that

Review of the correspondence filed on 30 April 2007 reveals that the Transmittal Letter identified PCT/EP2005/055858, while the preliminary amendment referred to PCT/EP2005/055828. The title, inventor's name, international filing date and priority date appearing on the Transmittal Letter are consistent with PCT/EP2005/055828. In view of this discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. To resolve this matter, a petition under 37 CFR 1.182 is required. Any such petition must clearly indicate which international application was intended to enter the national stage in the United States.

It is observed that the declaration under PCT Rule 4.17(iv), a copy of which was filed on 18 November 2008, is directed toward PCT/EP2005/055858. To the extent that this application may have been intended instead as the national stage of PCT/EP2005/055828, the declaration is not accepted for purposes of 37 CFR 1.497(a) and (b)(since it identifies the wrong application and the wrong inventive entity). In addition, the S-signature appears not to comply with 37 CFR 1.4(d)(2)(iii) in that the name is not provided below or adjacent the S-signature.

In response, petitioner indicates that

It is noted that the submission filed as Application Serial No. 11/666,716 corresponds to PCT/EP2005/055828.

It is noted on the transmittal letter corresponding to this filing, International Application as set forth as PCT/EP2005/055858 due to clerical error.

Accordingly, submitted herewith is a corrected transmittal letter setting forth the correct International Application number PCT/EP2005/055828. In view of the foregoing, issuance of a Notice of Acceptance of Application directed to PCT/EP2005/055828 is requested. Please charge the required petition fee to Deposit Account No. 02-2666.

Based on petitioner's clarifying statements, in view of the totality of the evidence currently of record, it would be appropriate to accept petitioner's statement to the effect that this application is the national stage under 35 U.S.C. 371 of international application PCT/EP2005/055828, and that the different international application number appearing on the Transmittal Letter filed on 30 April 2007 was entered in error.

The $400.00 petition fee (fee code 1462) is being charged to Deposit Account 02-2666, per the authorization included in the petition.

DECISION

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

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of international application PCT/EP2005/055828. This processing will include updating the electronic records of the USPTO to reflect the correct international application data, and the removal from the electronic (IFW) application file of the IB documentation pertaining to PCT/EP2005/055858. This processing will also include 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) 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

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

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

MAILED

MAY 17 2010

OFFICE OF PETITIONS

In re Application of :
Pierre Robert, et al. :
Application No.: 11/666,720 : ON PETITION
Filed: April 30, 2007 :
Attorney Docket No.: 5460-121PUS :

This is a decision on the petition, filed May 17, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 31, 2010, using a Certificate of Mailing or Transmission dated March 29, 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 1796 for further processing of the request for continued examination under 37 CFR 1.114.

/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.*

19 FEB 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

00110
DANN, DORFMAN, HERRELL & SKILLMAN
1601 Market Street
Suite 2400
Philadelphia, PA 19103-2307

In re Application of :
LEVOVITZ *et al* :
U.S. Application No.: 11/666,765 :
PCT No.: PCT/US2005/039081 :
Int. Filing Date: 31 October 2005 : **DECISION**
Priority Date: 03 November 2004 :
Attorney Docket No.: 4375-P03544US01 :
For: INFORMATION STORAGE TAG :
SYSTEM FOR USE AND METHOD :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 02 May 2007.

BACKGROUND

On 02 May 2007, applicants filed papers to enter the national stage of PCT/US2005/039081 which were accompanied by, *inter alia*, the subject petition, an declaration signed by one of the two inventors and authorization to charge any required fees to Deposit Account No. 04-1406.

DISCUSSION

Petitioners claim that one of the two joint inventors, Mr. Yeruchem Levovitz, has been in poor health and is unwilling or unable to sign documents in the subject application. For this reason, applicants filed a petition under 37 CFR 1.47(a) with the national stage papers on 02 May 2007.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Concerning item (1), the $200.00 petition fee has been charged to Deposit Account No. 04-1406 as authorized.

However, all other items of 37 CFR 1.47(a) are not yet satisfied.

Regarding item (2), applicants claim that the nonsigning inventor "has been in poor health and has been unwilling or unable to sign documents related to the invention." It is first noted that the fact that an inventor is hospitalized or in poor health is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. *See* MPEP §§ 409.02, 409.03(d).

If the nonsigning inventor is refusing to cooperate, applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d) of the MPEP. Several pertinent segments are listed below:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney . . .
>
> 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 . . .
>
> 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 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.** (Emphasis added).

Here, applicants have not demonstrated that a complete copy of the application including specification, claims and drawings were presented to the nonsigning inventor. Moreover, there is no evidence that Mr. Levovitz has been even contacted regarding the subject application.

For this reason, item (2) of 37 CFR 1.47(a) is not yet satisfied.

With regards to item (3), the last known address of the nonsigning inventor was not provided in the petition and is not listed on the declaration.

Thus, item (3) of 37 CFR 1.47(a) is also not satisfied.

Concerning item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by one of the two named inventors on their own behalf and on behalf of the nonsigning joint inventor. However, the declaration does not list the citizenship of the inventors required by 37 CFR 1.497(a)(3). As such, the declaration is not acceptable.

Item (4) of 37 CFR 1.47(a) is also not 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. Extensions of time are available.

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
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

17 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

00110
DANN, DORFMAN, HERRELL & SKILLMAN
1601 Market Street
Suite 2400
Philadelphia, PA 19103-2307

In re Application of :
LEVOVITZ *et al* :
U.S. Application No.: 11/666,765 :
PCT No.: PCT/US2005/039081 :
Int. Filing Date: 31 October 2005 : **DECISION**
Priority Date: 03 November 2004 :
Attorney Docket No.: 4375-P03544US01 :
For: INFORMATION STORAGE TAG :
SYSTEM FOR USE AND METHOD :

This decision is in response to the papers filed on 08 May 2008 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 19 February 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 08 May 2007, applicants filed the renewed petition which was accompanied by a declaration executed by the nonsigning inventor.

DISCUSSION

Applicants previously claimed that one of the two inventors, Mr. Yeruchem Levovitz, was in poor health and is unwilling or unable to sign documents in the subject application. As such, a petition under 37 CFR 1.47(a) was submitted.

That petition was dismissed in the decision dated 19 February 2008 for failing to show that a complete copy of the application was presented to Mr. Levovitz, failing to provide the last known address of the nonsigning inventor and failing to list the citizenship of the inventors required by 37 CFR 1.497(a)(3).

After discussing the situation with the undersigned, applicants submitted a lengthy statement detailing the facts that led to the filing of the original petition under 37 CFR 1.47(a). Moreover, applicants have now been able to discuss the above-captioned application with the nonsigning inventor and have persuaded Mr. Levovitz to cooperate by signing a declaration. Mr. Levovitz added his address and citizenship information on the declaration.

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

However, a new declaration executed by Mr. Vasu S. Iyengar is still required. The original declaration signed by Mr. Iyengar did not list his citizenship. In the renewed petition filed 08 May 2007, applicants have added the citizenship information of Mr. Iyengar on the declaration signed by Mr. Levovitz. This is not allowed.

A new declaration executed by Mr. Iyengar in compliance with 37 CFR 1.497(a) and (b) is required. *See* § 602.01, 605.04(a) MPEP. **Applicants need not provide another declaration executed by Mr. Levovitz.**

Applicants have **TWO (2) MONTHS** from the mail date of this decision to provide an acceptable oath or declaration in compliance with 37 CFR 1.497(a) and (b). Extensions of time under 37 CFR 1.136(a) are available. Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Michael Zillmer	: DECISION ON REQUEST FOR
Patent Number	: 7654077	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,792	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **274** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

19 SEP 2008

United States Patent and Trademark Office

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

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO IL 60603-5803

In re Application of	:	
Boyle et al.	:	
Application No.: 11/666,796	:	DECISION
PCT No.: PCT/EP2005/011671	:	
Int. Filing Date: 01 November 2005	:	ON
Priority Date: 01 November 2004	:	
Attorney Docket No.: 37389-406600	:	PETITION
For: Increasing Die Strength By Etching During Or After Dicing	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 15 August 2008.

BACKGROUND

This international application was filed on 01 November 2005, claimed an earlier priority date of 01 November 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 11 May 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 May 2007. Applicants filed *inter alia* the basic national fee on 01 May 2007.

On 14 May 2008, 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 is being charged to Deposit Account no. 19-1351, per the authorization in the Transmittal filed on 15 August 2008.

Regarding **requirement (2)**, petitioner presents a "Statement By Person Having First Hand Knowledge" signed by the "General Counsel" of Xsil Technology Limited (apparently, Dr. Anna Kupka) who states that, regarding Richard Toftness, "various attempts have been made to have him sign the Declaration for Patent Application, Power of Attorney and Assignment forms, he has consistently refused to do so." On a separate "Statement of Facts," Dr. Kupka states in part that "I asked Mr. Toftness several times to sign the assignment form. Mr. Toftness confirmed that he was still in possession of the original assignment form but stated his refusal to sign." However, the evidence currently of record does not adequately show that Mr. Toftness has refused to execute an oath or declaration after having been presented with an oath or declaration

and a complete copy of the application. It appears that Dr. Kupka's statements may concern the assignment instead of the oath or declaration; it is unclear whether he ever received the oath or declaration and a copy of the application. Moreover, Dr. Kupka has not provided a clear indication of the circumstances (date, time, substance) of the alleged refusal. It also has not been established that Mr. Toftness could not be found or reached after diligent effort. A general discussion of the appropriate showing under this element may be found at MPEP 409.03(d). For these reasons, it would not be appropriate to conclude, on the basis of the present record, that requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition does not appear to include a statement of the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 15 August 2008 reveals that it has been signed by Dr. Anna Kupka on behalf of non-signing joint inventor Richard Toftness. This fact implies that the other joint inventors have not signed on his behalf. However, applicants are advised that, where at least one joint inventor is available to execute the sign, signature by a 37 CFR 1.47(b) applicant is not appropriate. *See* MPEP 409.03(b). The declaration is also defective because it does not provide citizenship information for Gillen, Dunne or Fernandes Gomez. Moreover, it appears that the declaration was assembled from separately signed sheets, rather than being a complete copy (copies) of the document(s) as signed by the inventors. Therefore, this declaration does not satisfy requirement (4).

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

22 JAN 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

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO IL 60603-5803

In re Application of	:	
Boyle et al.	:	
Application No.: 11/666,796	:	DECISION
PCT No.: PCT/EP2005/011671	:	
Int. Filing Date: 01 November 2005	:	ON
Priority Date: 01 November 2004	:	
Attorney Docket No.: 37389-406600	:	PETITION
For: Increasing Die Strength By Etching During Or After Dicing	:	

This is in response to the "Request To Close Petition Filed Under 37 CFR 1.47(a)" filed on 18 December 2008 (a copy of which was filed on 19 December 2008).

DISCUSSION

In a Decision mailed on 19 September 2008, the petition under 37 CFR 1.47(a) filed on 15 August 2008 was dismissed, without prejudice, because requirements (2), (3) and (4) had not been satisfied.

Petitioner now presents a declaration document signed by Mr. Toftness, and accordingly urges that "the missing parts objection has been resolved." However, the declaration signed by Mr. Toftness does not name the entire inventive entity. MPEP 201.03 explains (in part) that

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

Since the declaration signed by Mr. Toftness does not "contain a complete listing of all inventors," it would not be appropriate to accept it.

The decision mailed on 19 September 2008 also indicated that

> The declaration [as filed on 15 August 2008] is also defective because it does not provide citizenship information for Gillen, Dunne or Fernandes Gomez. Moreover, it appears that the declaration was assembled from separately signed sheets, rather than being a complete copy (copies) of the document(s) as signed by the inventors. Therefore, this declaration does not satisfy requirement (4).

Since the declaration has been signed by Mr. Toftness, the petition under 37 CFR 1.47(a) is now MOOT. However, for the reasons explained above, a new oath or declaration is required to satisfy the requirements of 37 CFR 1.497(a) and (b).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being returned to the Office of Patent Application Processing for further processing under 35 U.S.C. 371, including the preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

/George Dombroske/
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

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET, SUITE 3800
CHICAGO, IL 60661

COPY MAILED

DEC 17 2008

In re Application of :
Cori M. **BLOMDAHL, et al.** :
Application No. 11/666,804 : DECISION GRANTING PETITION
Filed: May 1, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **SEA00820P0101US(SC-208c)** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 12, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 25, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3754 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.*

24 FEB 2010

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

DOW CORNING CORPORATION CO1232
2200 W. SALZBURG ROAD
P.O. BOX 994
MIDLAND MI 48686-0994

In re Application of FU et al. Application No.: 11/666,813 PCT No.: PCT/US05/35235 Int'l Filing Date: 29 September 2005 Priority Date: 17 December 2004 Attorney Docket No.: DC10142 PCT 1 For: METHOD FOR FORMING ANTI-REFLECTIVE COATING	DECISION ON PETITION Under 37 CFR 1.182

This is a decision on applicant's "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office on 14 October 2009.

On 01 May 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 11/666,813. However the international application as indicated on the Transmittal Letter was incorrect entered as PCT application number PCT/US05/05235.

On 14 October 2009, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/US05/35235 on the national stage papers filed on 01 May 2007 is GRANTED. The $400 petition fee will be charged to applicant's deposit account per his authorization.

The USPTO records will identify the present application **11/666,813** as the national stage of **PCT/US05/35235**.

The Notification of Acceptance mailed on 28 July 2008 is hereby VACATED. The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision including the issuance of a new Notification of Acceptance and correction of the USPTO records .

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571)272-3286
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
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Masafumi Miyazaki	: DECISION ON REQUEST FOR
Patent Number	: 7662242	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,844	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **52** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 05/18/2010

Applicant : Masafumi Miyazaki
Patent Number : 7662242
Issue Date : 02/16/2010
Application No: 11/666,844
Filed : 05/01/2007

: 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 **119** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BUCKNAM AND ARCHER
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Roberto Frattini	: DECISION ON REQUEST FOR
Patent Number	: 7578158	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/666,850	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **160** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

JOANN VILLAMIZAR
CIBA CORPORATION/PATENT DEPARTMENT
540 WHITE PLAINS ROAD
P.O. BOX 2005
TARRYTOWN NY 10591

COPY MAILED

SEP 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Singh et al. :
Application No. 11/666,871 :
Filed: May 1, 2007 :
Attorney Docket No. PT/3-22369-A-PCT :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 28, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 26, 2008. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 27, 2008. A Notice of Abandonment was mailed on May 4, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

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

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s) (3). Although petitioner did provide a proper unintentional delay statement, the instant petition also states, "Ciba's Patent Department confused the present application with another Ciba application which it intended to abandon." Since this brings in the question of intentional delay, petitioner should provide a more detailed explanation (i.e. what application was intended to be abandoned and how the two were confused, etc.).

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

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

By hand:
Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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

CIBA CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS ROAD
P.O. BOX 2005
TARRYTOWN NY 10591

MAILED

FEB 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Singh et al.	:	
Application No. 11/666,871	:	ON PETITION
Filed: May 1, 2007	:	
Attorney Docket No. PT/3-22369/A/PCT	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b).

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

This matter is being referred to Technology Center AU 1796 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 09 2010

OFFICE OF PETITIONS

PATENT DEPARTMENT
CHOATE, HALL & STEWART, LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

In re Application of
Sangyong Jon, et al.
Application No. 11/666,908
Filed: February 26, 2008
Attorney Docket No. MIT 11257

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart, LLP has been revoked by the assignee of the patent application on March 18, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GREGORY A. STOBBS
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

4/22/08

In re Application of :
ADACHI, SHINOBU et al : : DECISION ON REQUEST TO
Application No. 11/666,911 : PARTICIPATE IN PATENT
Filed: May 3, 2007 : PROSECUTION HIGHWAY
Attorney Docket No.5077-000264/US/NP : PROGRAM AND PETITION
For: OPERATION ERROR DETECTION : TO MAKE SPECIAL
DEVICE, EQUIPMENT INCLUDING : 37 CFR 1.102 (d)
THE DEVICE, OPERATION ERROR
DETECTION METHOD AND
EQUIPMENT EVALUATION METHOD

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed Apr. 11, 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:

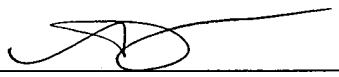
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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. Receipt of the IDS and a copy of Japanese patent publications are acknowledged. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning the examination or status of the application should be directed to Chuck Marmor, Art Unit 373, 571-272-4820.

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



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

2 3 NOV 2007

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of	:	
WYRES et al.	:	
Application No.: 11/666,919	:	DECISION
PCT No.: PCT/GB2005/004355	:	
Int. Filing Date: 11 November 2005	:	
Priority Date: 12 November 2004	:	
Attorney Docket No.: GJE-7823	:	
For: PHOTOTHERMAL RECORDING MEDIUM	:	

This is a decision on applicants' "PETITION TO FILE APPLICATION WITHOUT SIGNATURE OF JOINT INVENTOR", which has properly been treated as a petition under 37 CFR 1.47(a), filed 11 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 November 2005, applicants filed international application PCT/GB2005/004355, which designated the United States and claimed a priority date of 12 November 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2007 (12 May 2007 being a Saturday).

On 02 May 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 09 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. The NOTIFICATION set a two-month extendable period for response.

On 11 October 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a copy of a letter from an R E Perry to non-signing inventor Nazir Khan, and a copy of a signed proof of delivery.

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.

Item (1) has been satisfied.

Item (2) has not been satisfied. MPEP § 409.03(d) states in part:

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

The petition states that a refusal was made but no statement of facts has been provided.

As to item (3), a clear statement of the last known address of the inventor has not been provided.

Item (4) has been met.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response must specify whose signature is below non-signing inventor Fergus Francis Murray's name. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration

Telephone: (571) 272-3301
Facsimile: (571) 273-0459

15 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of	:	
WYRES et al.	:	
Application No.: 11/666,919	:	DECISION
PCT No.: PCT/GB2005/004355	:	
Int. Filing Date: 11 November 2005	:	
Priority Date: 12 November 2004	:	
Attorney Docket No.: GJE-7823	:	
For: PHOTOTHERMAL RECORDING MEDIUM	:	

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 23 June 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 November 2005, applicants filed international application PCT/GB2005/004355, which designated the United States and claimed a priority date of 12 November 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2007 (12 May 2007 being a Saturday).

On 02 May 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 09 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. The NOTIFICATION set a two-month extendable period for response.

On 11 October 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a copy of a letter from an R E Perry to non-signing inventor Nazir Khan, and a copy of a signed proof of delivery.

On 23 November 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide factual proof that the missing joint inventor

refuses to execute the application and for failure to provide a a clear statement of the last known address of the inventor.

On 23 June 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of facts by Andrew Whyte.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 23 November 2007, items (1) and (4) have been satisfied.

Item (2) has now been satisfied. It has been established that a copy of the application papers were presented to non-signing inventor Nazir Khan (copy of proof of delivery in petition filed 11 October 2007) and that he has refused to sign (declaration of Andrew Whyte filed 23 June 2008).

Item (3) has now been satisfied as well.

Conclusion Section of Decision Mailed 23 November 2007

As noted by applicants, the sentence about specifying whose signature was below Fergus Francis Murray's name was inadvertently included in the decision.

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 **11 October 2007**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

15 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dr. Nazir Khan
6 Hillingdon Avenue, Nuthall
Nottingham NG16 1RA
United Kingdom

In re Application of
WYRES et al.
Application No.: 11/666,919
PCT No.: PCT/GB2005/004355
Int. Filing Date: 11 November 2005
Priority Date: 12 November 2004
Attorney Docket No.: GJE-7823
For: PHOTOTHERMAL RECORDING MEDIUM

Dear Dr. Khan:

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

15 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
www.uspto.gov

23911
CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

In re Application of :
MAZAT *et al* :
U.S. Application No.: 11/666,925 :
PCT No.: PCT/FR2005/002731 :
Int. Filing Date: 03 November 2005 : **DECISION**
Priority Date: 04 November 2004 :
Docket No.: 1032013-000159 :
For: PORTABLE DOCKING CRADLE :

This decision is in response to the papers filed 28 January 2009 which are treated as a petition under 37 CFR 1.42 and 1.137(b).

BACKGROUND

On 03 April 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) requesting an English translation, declaration, surcharge and processing fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 22 December 2008, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to respond to the Form PCT/DO/EO/905 within the time period given.

On 28 January 2009, applicants submitted a petition under 37 CFR 1.137(b) accompanied by, *inter alia*, a declaration executed by heirs and legal representatives of a deceased inventor.

DISCUSSION

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 two of the three named inventors and by Caroline Spinner Brossard, Anne Christel Spinner Kohler, Bruno Spinner, Martin Spinner and Camille Spinner as heirs and legal representatives of deceased inventor, Bernard Spinner. Applicants included a statement that these five individuals constitute all the heirs of the deceased inventor.

The citizenship, residence and address of all legal representatives are recorded on the declaration pursuant to 37 CFR 1.497(b)(2) as well as the required information for the actual inventors (including the deceased inventor). The declaration is in compliance with 37 CFR 1.497(a) and (b)

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Petition to Revive Under 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 28 January 2009 with the national stage papers is hereby **GRANTED** as follows:

Here, the proper response required an English translation, surcharge fee and processing fee and a declaration in compliance with 37 CFR 1.497(a) and (b). The declaration was accepted in the decision above. An English translation was provided. The petition fee has been paid. Applicants made 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 five-month extension fee is not required. The fee of $2,350.00 has been credited back to the credit card.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

0 1 APR 2008

United States Patent and Trademark Office

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

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

In re Application of :
Mazet et al. :
Application No. 11/666,926 :
PCT No.: PCT/FR05/02748 :
Int. Filing Date: 04 November 2005 : DECISION
Priority Date: 04 November 2004 :
Atty. Docket No.: 1032013-000158 :
For: Production Of Very Low-Temperature :
Refrigeration In A Thermochemical Device :

This is in response to the declaration of the inventors filed on 09 October 2007, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 04 November 2005, claimed an earliest priority date of 04 November 2004, and designated the U.S. The International Bureau published the international application on 11 May 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 May 2007. Applicants filed, *inter alia*, the basic national fee on 03 May 2007.

On 09 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), an English translation of the international application, a surcharge under 37 CFR 1.492(h) and a processing fee under 37 CFR 1.492(i).

DISCUSSION

Review of the declaration of the inventors filed on 09 October 2007 reveals that it indicates joint inventor Bernard Spinner to be "deceased." 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state

that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration is signed on behalf of deceased joint inventor Bernard Spinner by Caroline Spinner Brossard, Anne Christel Spinner Kohler and Camille Spinner in the capacity of "daughter of and heir and legal representative," and Bruno Spinner and Martin Spinner in the capacity of "son of and heir and legal representative." To the extent that these representatives are signing on behalf of Bernard Spinner as his heirs, applicants are required to clarify on the record in this application whether they in fact constitute all of the heirs of the deceased inventor.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." 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

2 4 SEP 2008

United States Patent and Trademark Office

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

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

In re Application of :
Mazet et al. :
Application No. 11/666,926 :
PCT No.: PCT/FR05/02748 :
Int. Filing Date: 04 November 2005 : DECISION
Priority Date: 04 November 2004 :
Atty. Docket No.: 1032013-000158 :
For: Production Of Very Low-Temperature :
Refrigeration In A Thermochemical Device :

This is in response to the renewed submission under 37 CFR 1.42 filed on 30 April 2008.

DISCUSSION

In a Decision mailed on 01 April 2008, the declaration of the inventors filed on 09 October 2007 was addressed as follows:

> The declaration is signed on behalf of deceased joint inventor Bernard Spinner by Caroline Spinner Brossard, Anne Christel Spinner Kohler and Camille Spinner in the capacity of "daughter of and heir and legal representative," and Bruno Spinner and Martin Spinner in the capacity of "son of and heir and legal representative." To the extent that these representatives are signing on behalf of Bernard Spinner as his heirs, applicants are required to clarify on the record in this application whether they in fact constitute all of the heirs of the deceased inventor.

Though it was recognized that the named heirs were also addressed by the description of "legal representative," it was unclear whether counsel sought to rely on their status as heirs and, if so, whether the named individuals were in fact all of the heirs of the deceased inventor. In response, counsel affirmatively clarifies and asserts that, with respect to deceased inventor Bernard Spinner, "all of his heirs executed the declaration filed on 9 October 2007 on his behalf, as heirs and legal representatives." This also clarifies that each of the individuals in question are legal representatives. In view of this clarification, all of the requirements of 37 CFR 1.42 have now been satisfied.

DECISION

The declaration filed on 09 October 2007 is **ACCEPTED** under 37 CFR 1.42.

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 **09 October 2007**.

/George Dombroske/
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

23 APR 2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re Application of OSUMIMOTO et al	:	
U.S. Application No.: 11/666,928	:	
PCT Application No.: PCT/JP2005/020230	:	COMMUNICATION
Int. Filing Date: 02 November 2005	:	
Priority Date Claimed: 04 November 2004	:	
Attorney Docket No.: Q101470	:	
For: TIRE PRODUCTION METHOD	:	

This is in response to applicant's "Response to Communication" filed 20 November 2007.

BACKGROUND

On 02 November 2005, applicant filed international application PCT/JP2005/020230, which claimed priority of an earlier Japan application filed 04 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 04 May 2007.

On 03 May 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 the present notification of change of name.

On 25 June 2007, applicant filed an executed declaration.

On 02 November 2007, this Office mailed a communication which identified a discrepancy with regard to the inventor's surname.

On 20 November 2007, applicant filed the present response.

DISCUSSION

Applicant requests that the inventor's surname be changed from "Osumimoto" to "Ohsumimoto".

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). 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.

The present response specifies that the discrepancy between the name of the inventor indicated in the international application and the name of the inventor as it appears in the declaration is the result of a typographical error. Accordingly, the declaration filed 25 June 2007 is accepted.

CONCLUSION

The application has an International Filing Date under 35 U.S.C. 363 of 02 November 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

15 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON CT 06484-6212

In re Application of	:	
VAN HEUGTEN et al	:	
Application No.: 11/666,969	:	
PCT No.: PCT/IB2004/004051	:	
Int. Filing Date: 23 November 2004	:	DECISION
Priority Date: None	:	
Attorney Docket No.: 884A.0167.U1(US)	:	
For: PROCESSING A MESSAGE RECEIVED FROM A MOBILE CELLULAR NETWORK	:	

The decision is in response to applicant's petition under 37 CFR 1.182 filed in the USPTO on 23 January 2008.

BACKGROUND

On 23 November 2004, applicant filed international application PCT/IB2004/004051 which designated the United States and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 May 2007.

On 02 May 2007, applicant 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.

On 23 January 2008, applicant submitted the instant petition under 37 CFR 1.182. The petition was accompanied by a declaration of the inventor and an affidavit of Flemming van Heugten.

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) an affidavit 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 is $400. The balance has been charged to Deposit Account

50-1924.

With regard to item (2), the affidavit of Flemming van Heugten is an affidavit setting forth both names (Flemming Abildgaard and Flemming van Heugten) and the procedure (marriage) whereby the change of name was effected. The affidavit is accepted.

Declaration of Inventors

The declaration of inventors filed 23 January 2008 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $130 has been charged to Deposit Account 50-1924.

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/

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

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

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

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of
Atsunori HAYASHI, et *al.*
Application No. 11/666,982
Filed: May 3, 2007
Attorney Docket No. **K06-205500/TBS**

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

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 1, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 11, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3656 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

10 JAN 2008

26646
KENYON & KENYON LLP
One Broadway
New York, NY 10004

In re Application of
FRANKS *et al*
U.S. Application No.: 11/667,065
PCT No.: PCT/GB2005/003253
Int. Filing Date: 19 August 2005
Priority Date: 19 August 2004
Attorney Docket No.: 02839/47001
For: USE OF XENON AS NEUROPROTECTANT IN A NEONATAL SUBJECT

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 04 May 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
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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of
Masuda et al.
Application No. 11/667,073
Filed: May 4, 2007
Attorney Docket No.132430

DECISION ON PETITION

This is a decision on the petition, filed February 12, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of July 10, 2009, which set a three (3) month shortened statutory period for reply. A reply was due on or before October 10, 2009.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on October 9, 2009 an amendment. A copy of the previously submitted reply accompanies the petition.

The amendment acknowledged as having been received in the USPTO on October 9, 2009 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card 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." Accordingly, it is concluded that the amendment was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on October 9, 2009.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

This application is being referred to Technology Center AU 1791 for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

20 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON, DC 20005

In re Application of OZAKI et al	:	
U.S. Application No.: 11/667,078	:	
PCT Application No.: PCT/JP2005/020239	:	
Int. Filing Date: 02 November 2005	:	
Priority Date Claimed: 08 November 2004	:	DECISION
Attorney Docket No.: 070267	:	
For: SEMICONDUCTOR DEVICE MANUFACTURING METHOD AND SUBSTRATE TREATING APPARATUS	:	

This is in response to applicant's "Response to Notification of Missing Requirements" filed 27 February 2008, which is being treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 02 November 2005, applicant filed international application PCT/JP2005/020239, which claimed priority of an earlier Japan application filed 08 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 May 2007.

On 04 May 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 August 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 February 2008, 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, the declaration filed with the petition is improper. Specifically, a person with purported proprietary interest in an application cannot sign on behalf of an unavailable inventor when other inventors are available. See MPEP 409.03(b) (stating, "Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. These provisions allow a 'person' with a demonstrated proprietary interest to make application 'on behalf of and as agent for' an inventor who 'cannot be found or reached after diligent effort' or who refuses to sign the application oath or declaration. . . . Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b).") Applicant is advised that "An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated." MPEP 409.03(a).

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 Minoru Sakamoto refuses to sign the application papers. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a copy of the application papers to Sakamoto for signature. In particular, although the petition states that a letter (dated 21 November 2007) containing a copy of the application papers was delivered to Sakamoto's last known address (see affidavit of Masanori

Kaneko, ¶5), documentary evidence which proves that delivery to Sakamoto's address was successful has not been provided. Until it is shown that Sakamoto received the 21 November 2007 mailing, his purported failure to respond to such mailing cannot be deemed a refusal to sign.

With regard to item (3) above, the requisite petition fee will be charged to Deposit Account No. 01-2340 as authorized in the petition.

With regard to item (4) above, the petition states 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 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 1.47(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

07 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON, DC 20005

In re Application of OZAKI et al	:	
U.S. Application No.: 11/667,078	:	
PCT Application No.: PCT/JP2005/020239	:	
Int. Filing Date: 02 November 2005	:	
Priority Date Claimed: 08 November 2004	:	DECISION
Attorney Docket No.: 070267	:	
For: SEMICONDUCTOR DEVICE MANUFACTURING METHOD AND SUBSTRATE TREATING APPARATUS	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.47(a) filed 21 October 2008.

BACKGROUND

On 02 November 2005, applicant filed international application PCT/JP2005/020239, which claimed priority of an earlier Japan application filed 08 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 May 2007.

On 04 May 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 August 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 February 2008, applicant filed a petition under 37 CFR 1.47(a).

On 20 August 2008, this Office mailed a decision dismissing the 27 February 2008 petition.

On 21 October 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.

Applicant has previously satisfied items (3) and (4) above.

With regard to item (1) above, applicant has submitted a declaration executed by the available inventors on behalf of the nonsigning inventor. However, the declaration is not in compliance with 37 CFR 1.69(b).

37 CFR 1.69(b) states,

> Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

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.

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 Minoru Sakamoto refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Sakamoto for signature. In particular, a letter (dated 21 November 2007) containing a copy of the application papers was delivered to Sakamoto's last known address (see affidavit of Masanori Kaneko, ¶5, and translation of tracking results). Sakamoto's failure to respond to such mailing is deemed a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Sakamoto refuses to join in the application.

CONCLUSION

For the reasons above, the 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 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 1.47(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 JAN 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

KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON, DC 20005

In re Application of OZAKI et al	:	
U.S. Application No.: 11/667,078	:	
PCT Application No.: PCT/JP2005/020239	:	
Int. Filing Date: 02 November 2005	:	
Priority Date Claimed: 08 November 2004	:	DECISION
Attorney Docket No.: 070267	:	
For: SEMICONDUCTOR DEVICE MANUFACTURING METHOD AND SUBSTRATE TREATING APPARATUS	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.47(a) filed 21 November 2008.

BACKGROUND

On 02 November 2005, applicant filed international application PCT/JP2005/020239, which claimed priority of an earlier Japan application filed 08 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 May 2007.

On 04 May 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 August 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 February 2008, applicant filed a petition under 37 CFR 1.47(a).

On 20 August 2008, this Office mailed a decision dismissing the 27 February 2008 petition.

On 21 October 2008, applicant filed a renewed petition under 37 CFR 1.47(a).

On 07 November 2008, this Office mailed a decision dismissing the 21 October 2008 petition.

On 21 November 2008, applicant filed the present second 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.

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

With regard to item (1) above, applicant has submitted a declaration executed by the available inventors on behalf of the nonsigning inventor.

37 CFR 1.69(b) states,

> Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

The declaration does not use an official form provided by the USPTO, i.e. USPTO Form PTO/SB/106. The present renewed petition states that the declaration filed 21 October 2008 is identical to USPTO Form PTO/SB/106. This is construed as a statement that the translation contained in the submitted declaration is accurate. If this is an incorrect interpretation, petitioner is required to supply either: (1) a declaration using Form PTO/SB/106 or (2) a statement that the translation contained in the submitted declaration is accurate.

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 02 November 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 October 2008.

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

16 JAN 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

Minoru Sakamoto
1-7-4-102, Amakubo
Tsukuba-shi, Ibaraki-ken
305-0005
JAPAN

In re Application of OZAKI et al
U.S. Application No.: 11/667,078
PCT Application No.: PCT/JP2005/020239
Int. Filing Date: 02 November 2005
Priority Date Claimed: 08 November 2004
For: SEMICONDUCTOR DEVICE . . .

Dear Minoru Sakamoto:

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

KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON, DC 20005
Attorney Docket No.: 070267

23 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

T. Ling Chwang
Jackson Walker
901 Main Street, Suite 6000
Dallas TX 75202

In re Application of	:	
GLYNSON et al.	:	DECISION ON
Application No.: 11/667,089	:	
PCT No.: PCT/US2005/040244	:	PAPERS
Int. Filing Date: 04 November 2005	:	
Priority Date: 04 November 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: ALIS-0002WO/US	:	
For: NOVEL USES OF CALCIUM HYDROXIDE	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 27 February 2008, which was accompanied by a declaration of inventors. The indication in this declaration that joint inventor William A. Mallow is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 04 November 2005, applicants filed international application PCT/US2005/040244, which designated the United States and claimed a priority date of 04 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 December 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2007.

On 04 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 01 October 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) was required.

On 27 February 2008, applicants filed the instant submission which was accompanied by, *inter alia*, a declaration of inventors and a petition/fee for a three-month extension of time. The indication in the declaration that inventor William A. Mallow is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 27 February 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declarations filed 27 February 2008 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

T. LING CHWANG
JACKSON WALKER
901 MAIN STREET, SUITE 6000
DALLAS TX 75202

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Glynson et al.	:	DECISION ON PETITION
Application No. 11/667,089	:	TO WITHDRAW
Filed: February 27, 2008	:	FROM RECORD
Attorney Docket No. ALIS-0002WO/US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 1, 2010.

The request is **NOT APPROVED**.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

23 JAN 2008

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

In re Application of:
SELLGREN, Seppo, et al.
U.S. Application No.: 11/667,094
PCT No.: PCT/FI2005/050129
International Filing Date: 21 April 2005
Priority Date: 28 April 2004
Atty Docket No.: 2289.002US1
For: MOBILE COMMUNICATIONS STATION

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 04 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 28 October 2006 based on applicants' failure to enter the U.S. national stage and file the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition was accompanied by the petition fee and the "required reply" in the form of the U.S. national stage entry papers and payment of the U.S. basic national fee.

In addition, the petition includes a statement that "[a]bandonment of the international application was unintentional and the entire delay in filing the U.S. national stage application was also unintentional." This statement is being construed as the statement required by 37 CFR 1.137(b)(3), that is, 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 this Office if this is not a proper interpretation of this statement.

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. The request to revive the application is therefore granted with respect to the United States.

It is noted that the petition was accompanied by an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 19-0743 will be charged the surcharge required for filing the declaration 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 04 May 2007.

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

17 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE, N.W., SUITE 1130
WASHINGTON DC 20036

In re Application of	:	
GOTO, et al.	:	
U.S. Application No.: 11/667,107	:	DECISION ON PETITION
PCT No.: PCT/JP05/18643	:	
Int. Filing Date: 07 October 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 09 November 2004	:	
Attorney Docket No.: 033036 M 123	:	
For: DECOMPOSITION REACTION APPARATUS SYSTEM FOR PRODUCING RAW MATERIAL FOR RECYCLED RESIN...FORMED ARTICLE	:	

This decision is in response to the applicant's petition under 37 CFR §1.47 (a) filed 14 July 2008 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Kazunori Shimoyachi. Applicant provided a petition fee payment of $130.00. Applicant is advised that the petition fee is $200.00. As authorized, the $70.00 difference will be charged to deposit account number 02-4300.

BACKGROUND

On 07 October 2005, applicant filed international application PCT/JP05/18643 which claimed priority to an earlier application filed 09 November 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2007.

On 07 May 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 and an English translation of the international application as filed.

On 21 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 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 July 2008, applicant filed the present petition under 37 CFR 1.47 accompanied by a petition for a three-month extension of time and payment of the extension of time fee. With the

payment of the three-month 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), (3) and (4) above.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) 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 include a statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present case, applicant has not provided any evidence to support the contention that the inventor cannot be located despite a diligent effort. While applicant has included a firsthand account of two attempts to mail a set of application papers to the nonsigning inventor[1], applicant has not provided any evidence to show that after the initial mailings to the inventor's last known address were returned as undeliverable, a search was conducted to ascertain inventor Shimoyachi's current address. It appears from the returned envelope that Mr. Shimoyachi has moved. As such, it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

---

[1] It is noted that while the petition states that Mr. Goto mailed a copy of the application, neither the affidavit nor translated cover letter indicate that a complete set of application papers was provided.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

06 MAR 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

SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE, N.W., SUITE 1130
WASHINGTON DC 20036

In re Application of	:	
GOTO, et al.	:	
U.S. Application No.: 11/667,107	:	DECISION ON PETITION
PCT No.: PCT/JP05/18643	:	
Int. Filing Date: 07 October 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 09 November 2004	:	
Attorney Docket No.: 033036 M 123	:	
For: DECOMPOSITION REACTION APPARATUS SYSTEM FOR PRODUCING RAW MATERIAL FOR RECYCLED RESIN...FORMED ARTICLE	:	

This decision is in response to the applicant's renewed petition under 37 CFR §1.47 (a) filed 17 February 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Kazunori Shimoyachi.

BACKGROUND

On 17 December 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.

On 17 February 2009, applicant filed the present renewed petition under 37 CFR 1.47.

DISCUSSION

As detailed in the decision mailed 17 December 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), (3) and (4) above.

With the filing of the present renewed petition and accompanying exhibits applicant has shown that despite a diligent effort, the non-signing inventor cannot be located and therefore applicant has satisfied the remaining element and 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 07 October 2005 under 35 U.S.C. 363, and will be given a date of **14 July 2008** under 35 U.S.C. 371 (c).

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. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

06 MAR 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. Kazunori Shimoyachi
#510 Sumitomo Bakelite
Surugadai Dormitory
5-5-1 Surugadai, Fujieda-shi
Shizuoka
JAPAN

In re Application of
GOTO, et al.
U.S. Application No.: 11/667,107
PCT No.: PCT/JP05/18643
Int. Filing Date: 07 October 2005
Priority Date: 09 November 2004
Attorney Docket No.: 033036 M 123
For: DECOMPOSITION REACTION APPARATUS
SYSTEM FOR PRODUCING RAW MATERIAL
FOR RECYCLED RESIN...FORMED ARTICLE

Dear Mr. Shimoyachi:

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

Michael A. Makuch
SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE, N.W., SUITE 1130
WASHINGTON DC 20036
UNITED STATES OF AMERICA

UNITED STATES PATENT AND TRADEMARK OFFICE

14 OCT 2008

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of:
Coulter, Thomas, Stephen, et al.
U.S. Application No.: 11/667,114
PCT No.: PCT/EP2005/011933
International Filing Date: 08 November 2005
Priority Date: 08 November 2004
Attorney Docket No.: 4266-0150PUS1
For: 11β-HSDI INHIBITORS

DECISION ON PETITION TO CHANGE INVENTOR'S NAME (37 CFR 1.182)

This decision is issued in response to applicants' "Response To Notification Of Missing Requirements" filed 25 April 2008, treated herein in part as a petition under 37 CFR 1.182 to change the name of record of the second inventor from Taylor STEVEN to Steven TAYLOR. Deposit Account No. 02-2448 will be charged the required $400 petition fee.

BACKGROUND

On 08 November 2005, applicants filed international application PCT/EP2005/011933. The application claimed a priority date of 08 November 2004, and it designated the United States. On 11 May 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., 08 May 2007. The published international application identified the second inventor as Taylor STEVEN.

On 07 May 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, an application data sheet (ADS) and an executed declaration document. The ADS and the declaration identified the second inventor as Steven TAYLOR.

On 25 January 2008, 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 was required. The Notification indicated that the declaration filed on 07 May 2007 was defective because of the inconsistency in the second inventor's name, and because the declaration appeared to be a compilation of multiple documents.

On 25 April 2008, applicants filed the response to the Notification of Missing Requirements considered herein (with required one-month extension fee). The submission included complete copies of the declarations executed by each of the inventors, as well as the

correspondence treated below as a petition under 37 CFR 1.182 to correct the name of record for the second inventor (so as to permit acceptance of the declarations under 37 CFR 1.497).

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> 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). 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 record does not indicate that there has been a change of inventorship or that the name of the second inventor has been changed since the filing of the international application. However, there is a discrepancy between the second inventor's name as listed in the international application (Taylor STEVEN) and in the filed declaration (Steven TAYLOR), and this discrepancy is more than a "typographical or transliteration error." Under these circumstances, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.[1] Such a petition must include payment of the applicable $400 petition fee and an acceptable statement from the inventor confirming the inventor's correct name and stating that the error contained in the international application occurred without deceptive intent.

Applicants' present petition included the authorization to charge for required fees, pursuant to which Deposit Account No. 02-2448 will be charged the required petition fee. The petition also includes a statement from the inventor confirming his correct name and indicating that the error in the international application occurred without deceptive intent. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to correct the name of record for the second inventor from Taylor STEVEN to Steven TAYLOR.

In addition, it is noted that the complete declaration documents filed with the present petition resolve the compilation defect identified in the Notification Of Missing Requirements.

---

[1] It is noted that the materials filed by applicants cite 37 CFR 1.48(a), which does not apply to national stage applications that have not yet satisfied the requirements of 35 U.S.C. 371(c). In addition, 37 CFR 1.497(d), the regulation applicable to national stage applications in which an incorrect inventive entity was listed on the international application, does not apply in the present circumstances, where applicants are asserting only that an incorrect name was provided for one of the proper inventors (as opposed to arguing that an inventor was improperly included in or left off the international application). See MPEP 1893.01(e).

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for the second inventor from Taylor STEVEN to Steven TAYLOR is **GRANTED**.

Based on this correction, and the submission of complete copies of the declarations signed by each inventor, the declarations filed 25 April 2008 are acceptable in compliance with 37 CFR 1.497.

Deposit Account No. 50-0573 will be charged the required $400 petition fee.

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 25 April 2008.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
DE GROOT, Max et al.	:	
U.S. Application No.: 11/667,120	:	
PCT No.: PCT/EP2005/055481	:	DECISION ON
Int. Filing Date: 24 October 2005	:	
Priority Date: 08 November 2004	:	PETITION
Attorney Docket No.: 1032326-000419	:	
For: METHOD OF UNBLOCKING A LOCKED APPLICATION USING A PERSONAL IDENTIFICATION NUMBER	:	UNDER 37 CFR 1.182

This is a decision on the petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office on 20 November 2008. For the reasons discussed below, the petition has been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 25 September 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 29 August 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.

On 20 November 2008, applicants filed a petition under 37 CFR 1.182 to withdraw the holding of abandonment.

DISCUSSION

Applicants claim to have submitted a timely response to the Notification of Missing Requirements and ask that holding of abandonment be withdrawn. To withdraw the holding of abandonment, applicants must provide sufficient evidence of an earlier, timely filing with the Office and a copy of the earlier submission.

Applicants have provided a date-stamped postcard receipt identifying application "11/667,120," and listing a transmittal letter, executed declaration copy of the Notification, two month extension and a charge authorization for $590. Applicants have provided a copy of the

translation they claim to have earlier submitted. The first page of the transmittal letter lists the application number as "11/631,813." The missing papers were located in application 11/631,813.. This request to withdraw the holding of abandonment is being treated as a petition under 37 CFR 1.182 to relocate misdirected papers. The fee for the petition will be charged to deposit account no. 02-4800, as authorized.

The duplicate fees charged for the extension of time and surcharge for late filing of the search fee, examination fee or oath or declaration will be refunded.

CONCLUSION

For the above reason, applicants' request to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 29 August 2008 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of **15 January 2008**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292
Fax: (571) 273-0459

25 OCT 2007

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

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

In re Application of	:	
BEATCH	:	
Application No.: 11/667,139	:	DECISION
PCT No.: PCT/US2005/040585	:	
Int. Filing Date: 08 November 2005	:	
Priority Date: 08 November 2004	:	
Attorney Docket No.: 480102.413USPC	:	
For: DOSING REGIMENS FOR ION CHANNEL MODULATING COMPOUNDS	:	

This decision is in response to applicant's "REQUEST FOR REFUND" filed in the United States Patent and Trademark Office (USPTO) on 29 August 2007 and to applicant's submission filed 11 October 2007.

BACKGROUND

On 08 November 2005, applicant filed international application PCT/US2005/040585, which designated the U.S. and claimed a priority date of 08 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 May 2007.

On 04 May 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 13 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 August 2007, applicant filed the instant "REQUEST FOR REFUND".

On 11 October 2007, applicant filed a submission including, *inter alia*, a declaration of inventors.

DISCUSSION

Request for Refund

The request for refund requests a refund of the fees charged to Deposit Account 19-1090 on 13 August 2007. A review of the application file indicates that these charges were made in error. The total of $1,680 charged on this date has been credited to Deposit Account 19-1090.

Declaration of Inventors

The declaration of inventors filed 11 October 2007 is not in compliance with 37 CFR 1.497(a)-(b) because it does not list the inventorship set forth in the international application.

37 CFR 1.41(a)(4) states:

> 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 change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named 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 declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

The declaration identifies two inventors while the international application identifies only one inventor. A Form PCT/IB/306 (NOTIFICATION OF THE RECORDING OF A CHANGE) from the International Bureau indicating that an inventor has been added does not appear in the file. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application and the declaration filed 11 October 2007 is not sufficient.

CONCLUSION

The request for refund under 37 CFR 1.26 is **GRANTED** for the reasons set forth above.

Applicants are required to file a declaration in compliance with 37 CFR 1.497(a)-(b) naming the proper inventive entity, or a proper change of inventorship under 37 CFR 1.497(d), or a Form PCT/IB/306 indicating a change effected under PCT Rule 92bis corresponding to the declaration filed 11 October 2007, within TWO (2) MONTHS from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

Adjustment Date: 10/25/2007 SBASHEIR
08/13/2007 PKIDWELL 00000003 191090 11667139
02 FC:2614 100.00 CR

Adjustment Date: 10/25/2007 SBASHEIR
08/13/2007 PKIDWELL 00000003 191090 11667139
03 FC:2616 180.00 CR

Adjustment Date: 10/25/2007 SBASHEIR
08/13/2007 PKIDWELL 00000003 191090 11667139
01 FC:2615 1400.00 CR

12 MAR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

In re Application of	:	
BEATCH	:	
Application No.: 11/667,139	:	DECISION ON PETITION
PCT No.: PCT/US2005/040585	:	
Int. Filing Date: 08 November 2005	:	UNDER
Priority Date: 08 November 2004	:	
Attorney Docket No.: 480102.413USPC	:	37 CFR 1.497(d)
For: DOSING REGIMENS FOR ION	:	
CHANNEL MODULATING COMPOUNDS	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 13 December 2007, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 08 November 2005, applicants filed international application PCT/US2005/040585, which designated the United States and claimed a priority date of 08 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 May 2007.

On 04 May 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.

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 (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 29 August 2007, applicants filed a Request for Refund.

On 11 October 2007, applicants filed a response to the NOTIFICATION OF MISSING REQUIREMENTS. The response included a declaration of inventors.

On 25 October 2007, a decision was mailed granting applicant's request for refund. The decision also indicated that the declaration of inventors filed 11 October 2007 was not in compliance with 37 CFR 1.497(a)-(b) because the declaration identifies two inventors while the international application identifies only one inventor. The decision also indicated that applicants were required to file a declaration in compliance with 37 CFR 1.497(a)-(b) naming the proper inventive entity, or a proper change of inventorship under 37 CFR 1.497(d), or a Form PCT/IB/306 indicating a change effected under PCT Rule 92bis corresponding to the declaration filed 11 October 2007.

On 13 December 2007, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.497(d). The petition was accompanied by statement from Lilian Clohs, a consent of assignee statement, and a statement under 37 CFR 3.73(b).

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.

Items (1)-(3) have been satisfied. Item (4) is not required.

The declaration of inventors filed 11 October 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 Gregory N. Beatch and Lilian Clohs as inventors.

/Daniel Stemmer/

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

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

King & Spalding
Intellectual Property Dept. - Patents
1180 Peachtree Street, N.E., 34th Floor
Atlanta GA 30309-3521

COPY MAILED

JUL 23 2008

In re Application of	:	
Klaus Pfaffelhuber, et al.	:	
Application No. 11/667,152	:	DECISION ON PETITION
Filed: November 15, 2007	:	TO WITHDRAW
Attorney Docket No. ROCHLING	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 3, 2008.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, ***the application is being represented by another attorney***, do not meet any the conditions set forth in 37 CFR 10.40.tendable time period for filing a response to the Office action mailed on July 3, 2005.

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: **Michael S. Pavento**
Kilpatrick Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530

UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 NOV 2008

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

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

In re Application of:
CHEKROUNE, Philippe, et al.
U.S. Application No.: 11/667,154
PCT No.: PCT/FR2005/050925
International Filing Date: 03 November 2005
Priority Date: 04 November 2004
Atty Docket No.: 35619-0242-00-US
For: PLASTIC DRINKS BOTTLE SUPPORT

DECISION

This decision is issued in response to the "Response To Notification Of Missing Requirements" filed 07 February 2008, treated herein as a request to withdraw the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 28 January 2008 and for a refund of the $130 processing fee for filing the English translation later than thirty months after the priority date. No petition fee is required.

BACKGROUND

On 03 November 2005, applicant filed international application PCT/FR2005/050925. The international application claimed a priority date of 04 November 2004, and it designated the United States. On 11 May 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The international application was published in French, and it included seven numbered claims.

The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 04 May 2007.

On 04 May 2007, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, the small entity basic national fee and a purported English translation of the international application as filed.

On 06 June 2007, applicant filed an executed declaration in compliance with 37 CFR 1.497, accompanied by payment of the small entity surcharge for filing the declaration later than thirty months after the priority date.

On 28 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that a proper

English translation of the international application and the $130 processing fee for filing the required translation later than thirty months after the priority date were required. The Notification indicated that the purported translation of the international application filed 04 May 2007 was defective in that it contained a different number of claims than the published international application (the translation included 8 numbered claims; the published international application contained only 7 claims).

On 07 February 2008, applicant filed the "Response To Notification Of Missing Requirements" considered herein. The submission included a revised translation of the international application containing only seven numbered claims, and payment of the required processing fee. However, the submission asserts that the previous translation included the entire international application as filed and that, therefore, an English translation of the international application was timely filed and a refund of the $130 processing fee is appropriate.

On 30 September 2008, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt identifying the 35 U.S.C. 371(c) date as 07 February 2008, the date applicant submitted the revised English translation of the international application.

DISCUSSION

37 CFR 1.495(c)(1)(i) requires applicant to submit a "translation of the international application, as filed, into the English language." 37 CFR 1.497(c)(3) indicates that the $130 processing fee set forth in 37 CFR 1.498(i) is required when the English translation is submitted later than thirty months after the priority date.

The English translation filed by applicant on 04 May 2007 is not a translation of the application as filed in that the purported translation contains an additional claim not present in the application at the time of filing.[1] The inclusion of an additional claim not contained in the application as filed was not appropriate and rendered the English translation filed 04 May 2007 unacceptable as filed. Accordingly, the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 28 January 2008, which required submission of a revised English translation in acceptable form and the processing fee for filing the acceptable English translation later than thirty months after the priority date, was properly issued. The present request to vacate the Notification of Missing Requirements and for a refund of the processing fee is therefore appropriately dismissed.

CONCLUSION

Applicants' request for withdrawal of the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 28 January 2008 and for a refund of the $130 processing fee submitted by applicants in response to such Notification is **DISMISSED** without prejudice.

If reconsideration on the merits of the dismissed portion of the refund request is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present

[1] It is noted that, despite applicant's reference to an Article 19 Amendment, the record does not indicate that claim number 8 was effectively added to the international application pursuant to Article 19.

decision. Any request for reconsideration should include a cover letter entitled "Renewed Refund Request" and must include an adequate showing that a refund of the $130 processing fee (and withdrawal of the "Notification Of Missing Requirements") is appropriate under the applicable statutes and regulations.

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

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

11 APR 2008

OLIFF & BERRIDGE
P.O. Box 320850
Alexandria, Virginia 22320-4850

In re Application of	:	
UPHOFF	:	DECISION ON
Application No.: 11/667,161	:	
Int. Application: PCT/DE2005/001847	:	
Int. Filing Date: 17 October 2005	:	REQUEST UNDER
Priority Date: 15 November 2004	:	
Attorney's Docket No.: 132441	:	
For: PACKING FOR BIOREACTOR	:	37 CFR 1.497(d)

This is a decision on applicants' "PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 CFR 1.48(a)" filed on 12 March 2008, which is being treated as a request under 37 CFR 1.497(d) to add inventor Heinrich Uphoff and delete inventor Christian Uphoff in the executed declaration.

BACKGROUND

On 17 October 2005, applicant filed international application No. PCT/DE2005/001847 designating the United States and claiming a priority date of 15 November 2004.

On 07 May 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 31 May 2007, applicant filed an executed signed by Christian Uphoff.

On 12 March 2008, applicants filed current request, which included, *inter alia*, a statement under 37 CFR.1.497(d) to add Heinrich Uphoff and delete inventor Christian Uphoff in the 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 12 March 2008 by Heinrich Uphoff and Christian Uphoff 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 provided by check.

With respect to item (3), GEORG FRITZMEIER GMBH & CO. KG, 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 items (1) - (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 date of this application is **12 March 2008**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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

Bruce L. Adams
Adams & Wilks
17 Battery Place
Suite 1231
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Takeshi Tokoro	: DECISION ON REQUEST FOR
Patent Number	: 7609588	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/667,176	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **105** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

FOLEY & LARDNER LLP
3000 K STREET, NW
SUITE 500
WASHINGTON, DC 20007

MAILED

MAR 0 4 2010

OFFICE OF PETITIONS

In re Application of :
Norman J. Pressman, et al. :
Application No. 11/667,253 :
Filed:J March 26, 2008 :
Attorney Docket No. **029658-0539** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 4, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *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.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

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

FOLEY AND LARDNER, LLP
Suite 500
3000 K Street NW
Washington, DC 20007

COPY MAILED
MAR 01 2010

In re Application of	:	
Norman J. Pressman, et al.	:	
Application No. 11/667,296	:	DECISION ON PETITION
Filed: May 8, 2007	:	TO WITHDRAW
Attorney Docket No. 40.102011 US Natl	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 4, 2009.

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

A review of the file record indicates that the power of attorney to Foley and Lardner, LLP has been revoked by the assignee of the patent application on October 16, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **VISTA IP LAW GROUP LLP**
12930 Saratoga Avenue
Suite D-2
Saratoga CA 95070

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 12 2010

OFFICE OF PETITIONS

LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 CALHOUN DR.
SUITE 125
ROCKVILLE, MD 20855

In re Application of :
Zimmermann et al. :
Application No. 11/667,300 :
Filed: May 8, 2007 :
Attorney Docket No. 7601/09600 :

DECISION ON APPLICATION
FOR PATENT TERM ADJUSTMENT

This is in response to the "Request for Reconsideration of Patent Term Adjustment Calculation" filed October 20, 2009. Applicants request the initial determination of patent term adjustment be corrected from three hundred one (301) days to four hundred thirty-six (436) days.

The application for patent term adjustment is **dismissed**.

On September 17, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicants were advised of a patent term adjustment to date of 301 days. In response, applicants timely filed this application for patent term adjustment prior to paying the issue fee on December 6, 2009.

Applicants request the patent term adjustment be corrected to 436 days.

Applicants state the calculation of delay "should correspond to the period from July 8, 2004 (14 months from the national filing date) until September 17, 2009."

37 CFR § 1.703(a)(1) states the period of patent term adjustment for examination delay includes, with emphasis added,

> The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) *or fulfilled the requirements of 35 U.S.C. 371* and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first

M.P.E.P. § 2731 states, with emphasis added,

> For purposes of 35 U.S.C. 154(b)(1)(A)(i)(II), an international application fulfills the requirements of 35 U.S.C. 371 on the date of commencement of the national stage under

35 U.S.C. 371(b) or (f), *or the date the application fulfills the requirements of 35 U.S.C. 371(c) if that date is later than the date of commencement* of the national stage under 35 U.S.C. 371(b) or (f).

In view of the previously quoted language, the Office correctly calculated Office delay as the number of days beginning on November 21, 2008, the day after the date 14 months after the date applicants fulfilled the requirements of 35 U.S.C. § 371, and ending on September 17, 2009, the date the Office mailed the Notice of Allowance.

The patent term adjustment at the time of mailing of the notice of allowance remains 301 days.

Submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and 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.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

19 AUG 2008

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

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

In re Application of	:	
NOONAN, et al.	:	
U.S. Application No.: 11/667,307	:	DECISION ON PETITION
PCT No.: PCT/GB05/03712	:	
Int. Filing Date: 27 September 2005	:	
Priority Date: 09 November 2004	:	UNDER 37 CFR 1.497(d)
Atty Docket No.: 126997-000106	:	
For: CRYOSTAT ASSEMBLY	:	

This decision is in response to applicant's "Petition Under 37 C.F.R. §1.48 to Correct Inventorship in a Patent Application Pursuant to 35 U.S.C. §371" filed 30 July 2008 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.497(d). As authorized, the $130.00 petition fee will be charged to deposit account number 23-2185.

BACKGROUND

On 27 September 2005, applicant filed international application PCT/GB05/03712, which claimed priority of an earlier application filed 09 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 May 2006. Pursuant to 37 CFR 1.485, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 09 May 2007.

On 09 May 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); an Information Disclosure Statement and a preliminary amendment.

On 22 April 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond.

On 02 May 2008, applicant filed a response which included an executed declaration of the inventors.

On 20 May 2008, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) informing applicant that the filed declaration was

defective in that it was it executed by, Robert Andrew Slade, who was not identified as an inventor on the published international application. Applicant was afforded one month or the extendable time remaining from the Form PCT/DO/EO/905 to file a proper response.

On 30 July 2008, applicant responded with the present petition under 37 CFR 1.497(d) to add Robert Andrew Slade as an inventor. Applicant is advised that the time period to respond was either 20 June 2008 or the extendable time from the mail date of the Form PCT/DO/EO/905. As such, a two-month extension of time fee will be charged to deposit account number 23-2185.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including 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 1.63;

(3) the fee set forth in 37 CFR 1.17(h); 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).

Applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 27 September 2005 and will be given a date of **02 May 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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

07 SEP 2007

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

Steven M. Ritchey
Thompson Coburn
One US Bank Plaza
St. Louis MO 63101

In re Application of:
WILSON, Brett, et al
U.S. Application No.: 11/667,324
PCT No.: PCT/US2005/009511
International Filing Date: 22 March 2005
Priority Date Claimed: 05 April 2004
Atty Docket No.: 45228-67932
For: TAGGED PROPPING AGENTS AND RELATED METHODS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 08 May 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 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 an executed declaration was filed during the international phase pursuant to PCT Rule 4.17(iv).

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 08 May 2007.

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

3 1 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

In re Application of :
JABADO et al. :
Application No.: 11/667,332 : DECISION ON
PCT No.: PCT/EP05/54614 : PAPERS UNDER 37 CFR 1.43
Int. Filing Date: 16 September 2005 :
Priority Date: 09 November 2004 :
Attorney Docket No.: 2004P06366WOUS :
For: PROCESS FOR THE ELECTROLYTIC TREATMENT OF A COMPONENT, AND A COMPONENT WITH THROUGH-HOLE

This decision is issued in response to the declaration filed 15 February 2008 which is being treated as a request under 37 CFR 1.43. No petition fee is required.

BACKGROUND

On 16 September 2005, applicants filed international application PCT/EP05/54614, which claimed a priority date of 09 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 May 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; 09 May 2007.

On 09 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a translation of the international application; and a preliminary amendment.

On 26 December 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492. The notification set a two-month time limit in which to respond.

On 15 February 2008, applicants filed the present request and declaration. The declaration is executed by the five co-inventors and Iris Oltmanns on behalf of incapacitated inventor, Peter Tiemann.

DISCUSSION

35 USC 117 *Death or Incapacity of Inventor*, states:

> Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor.

37 CFR 1.43 *When the Inventor is insane or legally incapacitated*, states, in part:

> In case of the death of the inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may make the necessary oath or declaration, and apply for and obtain the patent

The declaration submitted on 15 February 2008 was executed by Iris Oltmanns on behalf of incapacitated inventor, Peter Tiemann. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.43, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

In addition, it is noted that revised 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to revised 37 CFR 1.497(b)(2), in addition to the residence, citizenship, and post office address of the incapacitated inventor, the declaration must also provide this information (residence, citizenship, and post office address) for the signing legal representative. The declaration filed on 15 February 2008 provides the residence, citizenship, and post office address for only one individual and it is unclear whether this information is for Iris Oltmanns or the incapacitated inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

Additionally, a review of the declarations filed on 15 February 2008 reveals that the declaration is not in an acceptable form. Applicant has provided a defective executed

composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains multiple duplicate sheets. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.43 is **REFUSED**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file either 1) an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) signed by all inventors or 2) a renewed petition satisfying all requirements under 37 CFR 1.43. Any reconsideration request should include a cover letter entitled, "Renewed Request Under 37 CFR 1.43." No additional petition fee is required.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

24 MAR 2009

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

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

In re Application of
JABADO et al.
Application No.: 11/667,332
PCT No.: PCT/EP05/54614
Int. Filing Date: 16 September 2005
Priority Date: 09 November 2004
Attorney Docket No.: 2004P06366WOUS
For: PROCESS FOR THE ELECTROLYTIC TREATMENT OF A COMPONENT, AND A COMPONENT WITH THROUGH-HOLE

DECISION ON
PAPERS UNDER 37 CFR 1.43

In a decision mailed by this Office on 31 October 2008, the declaration filed by applicant on behalf of incapacitated inventor Peter Tiemann was dismissed for failure to include all the information required under 37 CFR 1.42 and 1.497. Additionally, the declaration submitted appeared to be a compilation of multiple declaration documents.

On 27 February 2009, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 27 February 2009 identifies the incapacitated inventor and states the incapacitated inventor's country of citizenship and residence, is signed by Iris Oltmanns as "Legal Representative," states her relationship to the incapacitated (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Additionally, the renewed petition is accompanied by copies of the complete five-page declaration documents executed by the remaining joint-inventors. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.43.

The request for status under 37 CFR 1.43 is **GRANTED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Yoshihisa Tanikawa	: DECISION ON REQUEST FOR
Patent Number	: 7609440	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/667,338	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

29 AUG 2007

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON VA 22202

In re Application of	:	
LE GALL et al.	:	
Application No.: 11/667,359	:	DECISION ON
PCT No.: PCT/FR2004/002311	:	
Int. Filing Date: 10 September 2004	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: 0501-1192	:	37 CFR 1.137(b)
For: VARIABLE MATRIX DISPLAY DEVICE AND METHOD	:	

This decision is in response to applicant's submission filed 09 May 2007.

BACKGROUND

On 10 September 2004, applicant filed international application PCT/FR2004/002311 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 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 09 May 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) 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 09 May 2007.

As to item (2), applicant submitted the petition fee on 09 May 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 09 May 2007 is not in compliance with 37 CFR 1.497(a)-(b) because it does not list the inventorship set forth in the international application.

37 CFR 1.41(a)(4) states:

> 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 change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named 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 declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

The declaration identifies four inventors while the international application identifies five inventors. A Form PCT/IB/306 (NOTIFICATION OF THE RECORDING OF A CHANGE) from the International Bureau indicating that an inventor has been added does not appear in the file. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application and the declaration filed 09 May 2007 is not sufficient. (It is noted that the problem may simply be that the copy of page 2 of the declaration lost some information on copying. Page 2 lists a "third joint inventor" and below that distorted black and white spaces. Page 5 lists a "fifth joint inventor". Thus, it may be that information on page 2 was somehow lost. A copy of page 2 is attached.)

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicants are required to file a declaration in compliance with 37 CFR 1.497(a)-(b) naming the proper inventive entity, or a proper change of inventorship under 37 CFR 1.497(d), or a Form PCT/IB/306 indicating a change effected under PCT Rule 92bis corresponding to the declaration filed 21 November 2005, within TWO (2) MONTHS from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

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

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

Enclosure: Copy of page 2 of declaration of inventors filed 09 May 2007

Docket No.

POWER OF ATTORNEY

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from PONTET & ALLANO as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

As a named inventor, I hereby appoint the registered patent attorneys represented by Customer No. **00466** to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, including: **Robert J. PATCH, Reg. No. 17,355, Andrew J. PATCH, Reg. No. 32,925, Robert F. HARGEST, Reg. No. 25,590, Benoit CASTEL, Reg. No. 35,041, Thomas W. PERKINS, Reg. No. 33,027, Roland E. LONG, Jr., Reg. No. 41,949, Eric JENSEN, Reg. No. 37,855, Liam MCDOWELL, Reg. No. 44,231, and Philip A. DUBOIS, Reg. No. 50,696,**

c/o YOUNG & THOMPSON
Second Floor
745 South 23rd Street
Arlington, Virginia 22202

Customer Number
00466

Address all telephone calls to Young & Thompson at 703/521-2297. Telefax: 703/685-0573.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: LE GALL Didier

Inventor's signature: _____ Date: April 30, 2007

Residence: F-91210 DRAVEIL, France Citizenship: French

Post Office Address: Orée de Sénart, Bâtiment Esope, F-91210 DRAVEIL, France

Full name of second joint inventor, if any: LE GALL Yannick

Inventor's signature: _____ Date: April 30, 2007

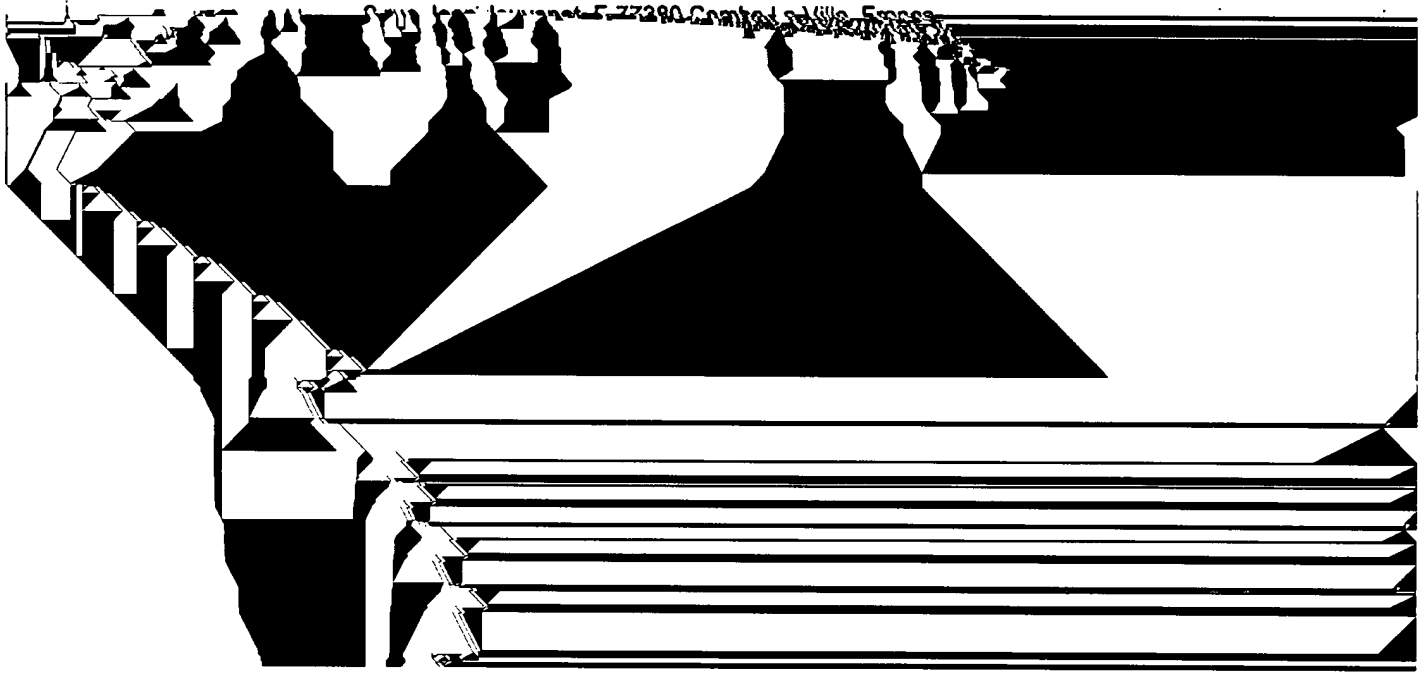
Residence: F-91210 DRAVEIL, France Citizenship: French

Post Office Address: Orée de Sénart, Bâtiment Esope, F-91210 DRAVEIL, France

Full name of third joint inventor, if any: HERMELIN Marc

Inventor's signature: _____ Date: April 30, 2007

Residence: F-77380 Combs La Ville, France Citizenship: French



15 NOV 2007

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

30328
Jonathan Spangler
NU VASIVE, INC.
4545 Towne Centre Court
San Diego, CA 92121

In re Application of:
COPP, Matthew *et al*
U.S. Application No.: 11/667,365
PCT No.: PCT/US2005/032300
Int. Filing Date: 08 September 2005
Priority Date: 08 September 2004
Attorney Docket No.: 118US1
For: SYSTEM AND METHOD FOR PERFORMING SPINAL FIXATION

DECISION

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 08 May 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. 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 pursuant to PCT Rule 4.17(iv) was filed in the international application. The $65.00 surcharge fee has been charged to Deposit Account No. 50-2040 as authorized.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/903 and Filing Receipt.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 0 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of VAN HOOFT et al	:	
U.S. Application No.: 11/667,398	:	
PCT Application No.: PCT/NL2005/000790	:	DECISION
Int. Filing Date: 10 November 2005	:	
Priority Date Claimed: 10 November 2004	:	
Attorney Docket No.: VER-217XX	:	
For: ANTIBIOTIC DROSOCIN DERIVATIVES	:	

This is in response to the correspondence filed 25 February 2008, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 10 November 2005, applicant filed international application PCT/NL2005/000790, which claimed priority of an earlier European Patent Office application filed 10 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 10 May 2007.

On 09 May 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 01 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 25 February 2008, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 25 February 2008 is not in compliance with 37 CFR 1.497 because the declaration fails to state the citizenship of one of the deceased inventor and the legal representative of the deceased inventor. Applicant is advised that a single indication of citizenship in the declaration cannot be used for both the deceased inventor and the legal representative.

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

28 JUL 2009

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

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

In re Application of VAN HOOFT et al	:	
U.S. Application No.: 11/667,398	:	
PCT Application No.: PCT/NL2005/000790	:	DECISION
Int. Filing Date: 10 November 2005	:	
Priority Date Claimed: 10 November 2004	:	
Attorney Docket No.: VER-217XX	:	
For: ANTIBIOTIC DROSOCIN DERIVATIVES	:	

This is in response to the renewed request for status under 37 CFR 1.42.

BACKGROUND

On 10 November 2005, applicant filed international application PCT/NL2005/000790, which claimed priority of an earlier European Patent Office application filed 10 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 10 May 2007.

On 09 May 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 01 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 25 February 2008, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 20 August 2008, this Office mailed a decision dismissing the 25 February 2008 request for status.

On 18 February 2009, applicant filed the present renewed request for status under 37 CFR 1.42 along with a newly executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 18 February 2009 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 10 November 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 February 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 05/18/2010

Applicant	: Vinko Kunc	: DECISION ON REQUEST FOR
Patent Number	: 7635995	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/667,405	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

16 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARDS ANGELL PALMER & DODGE LLP
(Client: MGH, Partners)
P.O. BOX 55874
BOSTON MA 02205

In re Application of	
POZNANSKY, Mark C., et al.	
Application No.: 11/667,410	DECISION
PCT No.: PCT/US2005/040218	
Int. Filing Date: 04 November 2005	ON PETITION UNDER
Priority Date: 05 November 2004	
Docket No.: 62049US2(51588)	37 CFR 1.137(b)
For: PURPOSEFUL MOVEMENT OF HUMAN MIGRATORY CELLS AWAY FROM AN AGENT SOURCE	

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 12 March 2008 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 has supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b). The fee for late filing of the search fee, examination fee or oath or declaration has been paid.

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 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 11 April 2008.

/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

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

SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT
P.O. BOX 425045
CAMBRIDGE MA 02142

COPY MAILED

AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Jonathan Phipps, et al.	:	
Application No. 11/667,416	:	DECISION ON PETITION
Filed: October 24, 2007	:	
Attorney Docket No. 57.0639 US PCT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 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 June 30, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 31, 2009. Accordingly, the date of abandonment of this application is July 1, 2009. The Notice of Abandonment was mailed July 8, 2009.

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

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

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **SCHLUMBERGER-DOLL RESEARCH**
ONE HAMPSHIRE STREET
CAMBRIDGE, MA 02139

UNITED STATES PATENT AND TRADEMARK OFFICE

04 NOV 2008

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

Law Department
Cryovac, Inc.
Post Office Box 464
Duncan SC 29334

In re Application of:	:	
GRAH, Michael, D., et al.	:	DECISION ON PETITION TO
U.S. Application No.: 11/667,424	:	WITHDRAW HOLDING OF
PCT No.: PCT/US2005/043741	:	ABANDONMENT
International Filing Date: 02 December 2005	:	(37 CFR 1.181)
Priority Date: 02 December 2004	:	
Atty Docket No.: D-43637-02	:	
For: INTERCALATED LAYERED SILICATE	:	

This decision is issued in response to the "Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" filed 27 October 2008. No petition fee is required.

BACKGROUND

On 02 December 2005, applicants filed international application PCT/US2005/043741. The international application claimed a priority date of 02 December 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., 02 June 2007.

On 07 May 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 22 January 2008, 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, additional claims fees, and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

Applicants did not file a response to the Notification Of Missing Requirements during the extendable response period provided in the Notification Of Missing Requirements.

On 01 October 2008, the DO/EO/US mailed a "Notice of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' failure to file a timely response to the Notification Of Missing Requirements mailed 22 January 2008.

On 27 October 2008, applicants filed the "Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" considered herein. The petition asserts that the holding of abandonment should be withdrawn because applicants did not receive the Notification Of Missing Requirements upon which the abandonment is based.

DISCUSSION

Section 711.03(c)(I)(A) of the MPEP sets forth the requirements for a grantable petition in the present circumstances:

> 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 present petition includes the required statements from the practitioner regarding the docketing system and stating that the Notification Of Missing Requirements was not received and that the file jacket does not contain the Notification Of Missing Requirements.

With respect to the docket records requirement, applicants have provided a copy of the docket record for the present application file, as well as the master Office docket listing responses due in the USPTO during the period in which a response to the Notification Of Missing Requirements was required. These materials, which contain no indication that the Notification Of missing requirements herein was received by applicants, satisfy the docket record requirement of a grantable petition.

Based on the above, applicants have satisfied all the requirements for a grantable petition to confirm applicants' failure to receive the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 22 January 2008.

CONCLUSION

Applicants' petition under 37 CFR 1.181 for withdrawal of the holding of abandonment is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/909) mailed 01 October 2008, based as it was on applicants' failure to respond to the Notification Of Missing Requirements that applicants did not receive, is appropriately **VACATED**.

The 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 mailing of a new Notification Of Missing Requirements (Form PCT/DO/EO/905).

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0419

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKINSON 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 :
Application No. 11/667,426 :
Filed: May 9, 2007 :
Attorney Docket No. 2004P17900 (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 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

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

11 SEP 2007

Wenderoth, Lind & Ponack, L.L.P.
2033 K Street, N.W., Suite 800
Washington, D.C. 20006-1021

In re Application of
ISHIDA et al.
Application No.: 11/667,472
PCT No.: PCT/JP05/22930
Int. Filing Date: 14 December 2005
Priority Date: 15 December 2004
Attorney Docket No.: 2007_0736A
For: SEAL ARRANGEMENT FOR A ROLLING BEARING

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Submission of Declaration and Petition under 37 CFR 1.182 (to Accept Inventor's Name Translated Differently than in PCT)" filed 31 July 2007. Applicant requests to change the name of the first inventor from Akira Ishida to Hikaru Ishida. The $400 petition fee will be charged to counsel's Deposit Account No. 23-0975.

BACKGROUND

On 10 May 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 translation of the international application; and a preliminary amendment.

On 31 July 2007, applicant filed "Submission of Declaration and Petition under 37 CFR 1.182 (to Accept Inventor's Name Translated Differently than in PCT)."

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.

Applicant requests to change the name of the first inventor from Akira Ishida to Hikaru Ishida. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an

affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicant's submission included the authorization to charge Deposit Account No. 23-0975 for required fees.[1] Based on this authorization, Deposit Account No. 23-0975 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicant submitted a "Statement of Inventor Hikaru Ishida" (affidavit) regarding the name change. This affidavit states "I (Hikura Ishida) did not become aware of the incorrect name until after the PCT application had been filed, and until after the U.S. National Stage Application was filed . . . this error was made without deceptive intent."

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Akira Ishida to Hikaru Ishida is **GRANTED**.

Based on the above, the declaration filed 31 July 2007 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

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

[1]Applicant has only provided payment of $130.00 for the petition fee. Applicant is advised that pursuant to 37 CFR 1.17(f) the petition fee is $400.00. As authorized, the additional $270.00 due has been deducted from deposit account no.: 23-0975.

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

11 SEP 2007

RECEIVED
SEP 12 2007
WENDEROTH, LIND & PONACK

Wenderoth, Lind & Ponack, L.L.P.
2033 K Street, N.W., Suite 800
Washington, D.C. 20006-1021

In re Application of
ISHIDA et al.
Application No.: 11/667,472
PCT No.: PCT/JP05/22930
Int. Filing Date: 14 December 2005
Priority Date: 15 December 2004
Attorney Docket No.: 2007_0736A
For: SEAL ARRANGEMENT FOR A ROLLING BEARING

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Submission of Declaration and Petition under 37 CFR 1.182 (to Accept Inventor's Name Translated Differently than in PCT)" filed 31 July 2007. Applicant requests to change the name of the first inventor from Akira Ishida to Hikaru Ishida. The $400 petition fee will be charged to counsel's Deposit Account No. 23-0975.

BACKGROUND

On 10 May 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 translation of the international application; and a preliminary amendment.

On 31 July 2007, applicant filed "Submission of Declaration and Petition under 37 CFR 1.182 (to Accept Inventor's Name Translated Differently than in PCT)."

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.

Applicant requests to change the name of the first inventor from Akira Ishida to Hikaru Ishida. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an

affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicant's submission included the authorization to charge Deposit Account No. 23-0975 for required fees.[1] Based on this authorization, Deposit Account No. 23-0975 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicant submitted a "Statement of Inventor Hikaru Ishida" (affidavit) regarding the name change. This affidavit states "I (Hikura Ishida) did not become aware of the incorrect name until after the PCT application had been filed, and until after the U.S. National Stage Application was filed . . . this error was made without deceptive intent."

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Akira Ishida to Hikaru Ishida is **GRANTED**.

Based on the above, the declaration filed 31 July 2007 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

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

[1]Applicant has only provided payment of $130.00 for the petition fee. Applicant is advised that pursuant to 37 CFR 1.17(f) the petition fee is $400.00. As authorized, the additional $270.00 due has been deducted from deposit account no. 23-0975.

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

07 MAR 2008

Wenderoth, Lind & Ponack, L.L.P.
2033 K Street, N.W., Suite 800
Washington, D.C. 20006-1021

In re Application of :
ISHIDA et al. :
Application No.: 11/667,472 : DECISION ON PETITION
PCT No.: PCT/JP05/22930 : UNDER 37 CFR 1.181
Int. Filing Date: 14 December 2005 :
Priority Date: 15 December 2004 :
Attorney Docket No.: 2007_0736A :
For: SEAL ARRANGEMENT FOR A ROLLING BEARING

This decision is issued in response to applicants' "Reply to Erroneous Notification of Missing Requirements under 35 U.S.C. 371" filed 29 January 2008, treated herein as a petition under 37 CFR 1.181 to withdraw the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 10 January 2008. No petition fee is required.

BACKGROUND

The procedural background herein was set forth in the decision mailed herein on 11 September 2007. In that decision, the declaration filed by applicants on 31 July 2007 was found acceptable under 37 CFR 1.497. (Applicants' request to change the name of the first inventor from Akira Ishida to Hikaru Ishida was granted under 37 CFR 1.182.)

On 10 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of a declaration in compliance with 37 CFR 1.497.

On 29 January 2008, applicants filed the "Reply to Erroneous Notification of Missing Requirements under 35 U.S.C. 371" treated herein as a petition under 37 CFR 1.181. The petition includes a copy of the previously filed declaration and a copy of the decision mailed herein on 11 September 2007.

DISCUSSION

As set forth in the decision mailed on 11 September 2007, the declaration filed by applicants on 31 July 2007 is acceptable under 37 CFR 1.182 and 37 CFR 1.497. The "Notification Of Missing Requirements" mailed 10 January 2008, based as it was on applicants' purported failure to file a declaration acceptable under 37 CFR 1.497, is therefore appropriately vacated.

CONCLUSION

The petition to withdraw the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 10 January 2008 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 10 January 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 and with the decision mailed herein on 11 September 2007.

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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-09

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

COPY MAILED

APR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Takagi et al.	:	DECISION ON PETITION
Application Number: 11/667482	:	
Filing Date: 05/10/2007	:	
Attorney Docket Number: 043890-0963	:	

This is a decision on the petition filed on March 4, 2009, which is treated as a petition under 37 CFR 1.59(b), requesting that papers filed on December 19, 2008, be expunged.

The petition is **GRANTED-IN-PART**.

Petitioners' counsel requests that the letter filed on December 19, 2008 be expunged. Petitioners state that this letter was intended to be sent only to the client, but was inadvertently transmitted to the USPTO.

Petitioners therefore seek to have this document expunged from the file.

37 C.F.R. §1.59 sets forth:

§ 1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) 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.
(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the

application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

The matter petitioners wish to have expunged does not form part of the original disclosure. Petitioners have included the fee associated with the filing of petition under 37 C.F.R. §1.59 and has established to the satisfaction of the Director that the expungement of this information is appropriate.

As such, the electronic documents which contain these pages have been closed in the Office's Image File Wrapper software viewing program. The paper documents will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 OCT 2008

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

26574
SCHIFF HARDIN LLP
PATENT DEPARTMENT
6600 Sears Tower
Chicago, IL 60606-6473

In re Application of
BJÖRLING *et al*
U.S. Application No.: 11/667,505
PCT No.: PCT/SE2004/001444
Int. Filing Date: 11 October 2004
Priority Date: None
Docket No.: P07,0101
For: DETECTION OF ISCHMIA

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 10 May 2007 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

23 MAY 2008

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

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

In re Application of HEUERMANN	:	
U.S. Application No.: 11/667,508	:	
PCT Application No.: PCT/DE2005/002002	:	
Int. Filing Date: 08 November 2005	:	DECISION
Priority Date Claimed: 10 November 2004	:	
Attorney Docket No.: HEUERMANN-1 PCT	:	
For: ANTENNA ARCHITECTURE AND LC COUPLER	:	

This is in response to applicant's "Request for Corrected Filing Receipt and Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 C.F.R. 1.495" filed 24 January 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 08 November 2005, applicant filed international application PCT/DE2005/002002, which claimed priority of an earlier Germany application filed 10 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 10 May 2007.

On 10 May 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 27 June 2007, applicant filed an executed declaration.

On 22 October 2007, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 28 June 2007 as the date of receipt of 35 U.S.C. 371 requirements.

On 24 January 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 27 June 2007. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 27 June 2007, serves as *prima facie* evidence that the declaration was received by the USPTO on 27 June 2007.

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 08 November 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 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, including preparation and mailing of: (1) a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate 27 June 2007 as the date of receipt of 35 U.S.C. 371 requirements, and (2) a corrected filing receipt, which should indicate 27 June 2007 as the "Filing or 371(c) Date" and which should reflect applicant's status as a large entity.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

2 9 APR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Steven S. Payne
Arator IP Law Group PLLC
P.O. Box 65024
Washington, D.C. 20035

In re Application of
KREUTZ, Tomas :
Application No.: 11/667,522 (& 11/792,453) :
PCT No.: PCT/SE2005/001840 :
Int. Filing Date: 06 December 2005 : DECISION
Priority Date: 08 December 2004 :
Atty. Docket No.: 150-402 :
For: FRAME AND METHOD OF COMPRISING ONE OR MODULES FOR CABLE ENTRIES, PIPE PENETRATIONS OR THE LIKE :

This application is before the Office Of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 06 December 2005, applicants filed international application PCT/SE2005/001840 which claimed a priority date of 08 December 2004 and which designated the United States. On 15 June 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 submission of the basic national fee was thirty months from the priority date, i.e., 08 June 2007.

On 10 May 2007, above-named counsel filed on behalf of applicants a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 U.S.C. 371" (Form PTO-1390) requesting entry into the national stage in the United States for international application PCT/SE2005/001840. The submission included, among other materials, payment of the basic national fee and a preliminary amendment. The filing was assigned U.S. application number 11/667,522 and has been appropriately treated as the U.S. national stage of international application PCT/SE2005/001840.[1]

[1]On 12 September 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 06 June 2007, above-named counsel filed on behalf of applicants a second Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 U.S.C. 371" (Form PTO-1390) requesting entry into the national stage in the United States for international application PCT/SE2005/001840. The submission included, among other materials, payment of the basic national fee. These papers were assigned U.S. application number 11/792,453.

DISCUSSION

As is evident from the above-recited facts, counsel has submitted two sets of papers to enter the national stage under 35 U.S.C. 371 for international application number PCT/SE2005/001840 (U.S. application numbers 11/667,522 and 11/792,453). The end result for an international application designating the United States is a single U.S. national stage application (see 35 U.S.C. 363). Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 11/667,522 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 11/667,522 is the application file that will continue to be processed as the national stage of PCT/SE2005/001840. The other set of national stage materials filed on 06 June 2007 and originally assigned U.S. application number 11/792,453 will be placed in the present application file, and U.S. application number 11/792,453 will be discontinued.

Applicant should use application number 11/667,522 in all future communications with the United States Patent and Trademark Office (PTO). Application number 11/792,453 will be discontinued.

CONCLUSION

Application no. 11/667,522 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 11/792,453 into U.S. Application no. 11/667,522; (2) refund any filing fees paid in connection with the application number 11/792,453; and (3) await a response to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 12 September 2007.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

30 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Steven S. Payne
P.O. Box 65024
Washington, D.C. 20035

In re Application of :
KREUTZ, Tomas :
Application No.: 11/667,522 :
PCT No.: PCT/SE2005/001840 :
Int. Filing Date: 06 December 2005 :
Priority Date: 08 December 2004 : DECISION ON PETITION
Atty. Docket No.: 150-402 :
For: FRAME AND METHOD OF COMPRISING ONE OR MODULES FOR CABLE ENTRIES, PIPE PENETRATIONS OR THE LIKE :

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 in the United States Patent and Trademark Office (USPTO) filed 08 September 2008.

The petition is hereby **DISMISSED** without prejudice and the application remains **ABANDONED**.

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 fro the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicant has satisfied items (2) and (4).

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). The declaration filed on 08 September 2008 is defective, in that, the declaration submitted includes alterations that have not been initialed and dated. The sole inventor, Tomas KREUTZ, has not initialed and dated the corrections made to his residence address. (See 37 CFR 1.52(c) and Manual of Patent Examining Procedure §605.04(a)). Therefore, a newly executed declaration of the inventor (Tomas KREUTZ) is required. Therefore, applicants have not satisfied item (1) above.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." 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
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

10 FEB 2009

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

Steven S. Payne
P.O. Box 65024
Washington, D.C. 20035

In re Application of :
KREUTZ, Tomas :
Application No.: 11/667,522 :
PCT No.: PCT/SE2005/001840 :
Int. Filing Date: 06 December 2005 :
Priority Date: 08 December 2004 : DECISION ON PETITION
Atty. Docket No.: 150-402 :
For: FRAME AND METHOD OF COMPRISING ONE OR MODULES FOR CABLE ENTRIES, PIPE PENETRATIONS OR THE LIKE :

The renewed petition to revive under 37 CFR 1.137(b) filed 15 January 2009 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 an executed declaration/power of attorney and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

12 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WilmerHale/Columbia University
399 PARK AVENUE
NEW YORK NY 10022

In re Application of	:	
FRUCHT, Steven	:	
Application No.: 11/667,530	:	DECISION
PCT No.: PCT/US2005/040877	:	
Int. Filing Date: 09 November 2005	:	ON PETITION UNDER
Priority Date: 10 November 2004	:	
Docket No.: 19240.309US2	:	37 CFR 1.137(b)
For: METHOD FOR TREATMENT OF MOVEMENT DISORDERS	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 14 July 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 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 furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date has been paid.

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 14 July 2008.

/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

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

24 AUG 2007

James E. Armstrong, IV
EDWARDS ANGELL PALMER & DODGE LLP
1875 Eye Street, NW
Washington, DC 20006

In re Application of
KAMATA *et al*
Application No.: 11/667,566
Filing Date: May 11, 2007
Attorney Docket No.: 80119 (302726)
formerly 070270
For: MATCHING APPARATUS, IMAGE SEARCH SYSTEM, AND HISTOGRAM APPROXIMATE RESTORING UNIT, AND MATCHING METHOD, IMAGE SEARCH METHOD, AND HISTOGRAM APPROXIMATE RESTORING METHOD

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. § 371.

BACKGROUND

On May 11, 2007, applicants filed two (2) transmittal letters for entry into the national stage in the United States of PCT/JP2005/020471. The files were assigned U.S. serial numbers 11/667,565 and 11/667,566. U.S. application number 11/667,565 was designated as the national stage filing of PCT/JP2005/02047.

On August 20, 2007, applicants submitted a petition under 37 CFR 1.182 requesting that the above-captioned application (U.S. application No. 11/667,566) be converted to a continuation of PCT/JP2005/02047. Applicants also submitted a change of correspondence address and authorized that any fees are to be charged to Deposit Account No. 04-1105.

DISCUSSION

As is evident from the above recited facts, two (2) sets of papers to enter the national stage under 35 U.S.C. 371 were submitted for international application number PCT/JP2005/020471. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of four sets of national stage papers to enter the United States was improper.

Applicants request to convert U.S. application No. 11/667,566 to a filing under 35 U.S.C. § 111(a) which is to be treated as a continuation of the international application, PCT/JP2005/02047.

A review of the papers filed May 11, 2007 reveals that a description, drawings and claims were submitted. This is sufficient to meet the requirements of a filing under 35 U.S.C. 111(a). The $400.00 petition fee has been charged to Deposit Account No. 04-1105 as authorized.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is hereby **GRANTED**.

This above-identified application is accepted as filed under 35 U.S.C. 111(a) and is a Continuation of PCT/JP2005/0204.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing under 35 U.S.C. 111(a) with a filing date of May 11, 2007. OIPE should ensure that the proper fees are charged.

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

MAILED

JUN 2 8 2010

OFFICE OF PETITIONS

NORMAN E. LEHRER, P.C.
1205 NORTH KINGS HIGHWAY
CHERRY HILL NJ 08034

In re Application of	:	
David Handel et al.	:	
Application No. 11/667,574	:	DECISION ON PETITION
Filed: November 9, 2007	:	TO WITHDRAW
Attorney Docket No. 4567-2 U.S.	:	FROM RECORD
	:	

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 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Vanitha M. Elgart, former attorney/agent associated with customer number 34678. Vanitha M. Elgart has been withdrawn. All other attorneys/agents will remain of record.

The correspondence address will remain the same until further notified by applicant.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

27 SEP 2007

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

Frank A. Cona
Tyco-Fire & Security
One Town Center Road
Boca Raton, FL 33486

In re Application of	:	
HOGAN.	:	
Application No.: 11/667,577	:	DECISIONS ON PETITION
PCT No.: PCT/US05/41813	:	
Int. Filing Date: 16 November 2005	:	UNDER 37 CFR 1.42
Priority Date: 17 November 2004	:	
Attorney Docket No.: F-TP-00010	:	
For: MAGNETICALLY RELEASABLE	:	
ELECTRONIC ARTICLE	:	
SURVEILLANCE TAG	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The declaration filed 11 May 2007 is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 16 November 2005, applicant filed international application PCT/US05/41813, which claimed a priority date of 17 November 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 17 May 2007.

On 11 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an application data sheet and the declaration discussed herein.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

> "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 a patent."

The declaration filed 11 May 2007 was executed by Paul Griffiths as the legal representative the estate of deceased inventor Dennis L. Hogan. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that it is unclear whether the declaration is setting forth the residence, post office address and country of citizenship of the deceased inventor or the legal representative. Under 37 CFR 1.497(b)(2) the information must be provided for both the

deceased inventor, Dennis L. Hogan and the legal representative, Paul Griffiths.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." 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

14 MAR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IP LEGAL DEPARTMENT
TYCO FIRE & SECURITY SERVICES
ONE TOWN CENTER ROAD
BOCA RATON FL 33486

In re Application of	:	
HOGAN	:	
Application No.: 11/667,577	:	
PCT No.: PCT/US05/41813	:	RENEWED REQUEST
Int. Filing Date: 16 November 2005	:	
Priority Date: 17 December 2004	:	FOR STATUS
Attorney Docket No.: F-TP-00010	:	
For: MAGNETICALLY RELEASABLE ELECTRONIC ARTICLE SURVEILLANCE TAG	:	UNDER 37 CFR 1.42

This decision is in response to applicant's renewed petition under 37 CFR 1.42 filed 27 February 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 September 2007, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. 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).

27 February 2008, applicant filed the present renewed petition accompanied by a petition for a three-month extension of time accompanied by payment of the appropriate extension of time fee. As such, applicant's renewed petition is timely filed.

DISCUSSION

As detailed in the petition mailed 27 September 2007, 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 11 May 2007 was executed by Paul Griffiths as the legal representative of the estate of deceased sole inventor Dennis L. Hogan. However the declaration was not in compliance with 37 CFR 1.497 (a)-(b) in that the declaration set forth the residence,

citizenship and post office address for only one individual; presumably the executor. As to applicant's contention in the present renewed petition that the originally filed declaration containing only one set of information was compliant; applicant is advised that a declaration filed in a U.S. National stage application must satisfy the provisions of 37 CFR 1.63. 37 CFR 1.63 states that the declaration must identify the citizenship of each inventor. As detailed in the decision mailed 27 September 2007, if the declaration is executed by a legal representative to the estate of a deceased inventor, the declaration must also provide the citizenship, residence and mailing address of the legal representative. (37 CFR 1.497(b)(2)). Thus, it is clear that the declaration must be provide the citizenship of both the deceased inventor and his legal representative.

Applicant has presently filed an executed declaration signed by the legal representative which provides the citizenship for both the deceased inventor and his legal representative and details their respective roles in the application. Thus, it is appropriate to grant applicant's renewed petition at this time.

Regarding applicant's comments as to the residence and mailing address of the deceased inventor and the fact that said information is not listed on the declaration applicant is directed to 37 CFR 1.63(c)(1). The filed declaration satisfies the requirements of 37 CFR 1.497, however, the office may require applicant to provide an additional application data sheet detailing the residence and mailing address of the deceased inventor.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 16 November 2005 and a date of **27 February 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of	:	
KAY	:	
Application No.: 11/667,617	:	
PCT No.: PCT/US05/41129	:	DECISION ON PETITION
Int. Filing Date: 10 November 2005	:	
Priority Date: 10 November 2004	:	UNDER 37 CFR 1.47(b)
Atty Docket No.: USF-207XC1	:	
For: PLATINUM COMPLEXES FOR TARGETED DRUG DELIVERY	:	

This decision is in response to the "Petition Under 37 CFR 1.47(b)" filed 03 April 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 November 2005, applicant filed international application PCT/US05/41129, which claimed a priority date of 10 November 2004. 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, 10 May 2007.

On 10 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and a preliminary amendment.

On 04 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. 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 03 April 2008, applicant responded with the present petition accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. With the filing of the petition for extension of time and payment of the appropriate extension of time fee, the response is 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(g); (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), the Manual of Patent Examining Procedure (MPEP) section 409.03(f) provides that: "If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324)."

In the present case, applicant has recorded an assignment signed by Ms. Kay for the present invention. While the assignment lists international application number PCT/US05/41129, the present application is the U.S. National stage entry of that international application and therefore the same application and invention. Thus, the assignment document clearly indicates that the invention described in this 35 U.S.C. 371 application was assigned to the University of South Florida. However, application not filed the requisite statement under 37 CFR 3.73(b). As such, 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
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

12 NOV 2008

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of	:	
KAY	:	
Application No.: 11/667,617	:	DECISION ON RENEWED
PCT No.: PCT/US05/41129	:	
Int. Filing Date: 10 November 2005	:	PETITION UNDER
Priority Date: 10 November 2004	:	
Atty Docket No.: USF-207XC1	:	37 CFR 1.47(b)
For: PLATINUM COMPLEXES FOR TARGETED DRUG DELIVERY	:	

This decision is in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 17 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 July 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 17 September 2008, applicant filed the renewed petition discussed herein.

DISCUSSION

As detailed in the decision mailed 17 July 208, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (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 currently provided the requisite statement under 37 CFR 3.73(b) satisfying the remaining item above and therefore it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 10 November 2005 under 35 U.S.C. 363, and will be given a date of **03 April 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

12 NOV 2008

Dr. Heidi Kay
7934 Lobelia Lane
Springfield, VA 22152

In re Application of
KAY
Application No.: 11/667,617
PCT No.: PCT/US05/41129
Int. Filing Date: 10 November 2005
Priority Date: 10 November 2004
Atty Docket No.: USF-207XC1
For: PLATINUM COMPLEXES FOR TARGETED DRUG DELIVERY

Dear Dr. Kay:

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

Doran R. Pace
Saliwanchik Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, Fl 32614-2950

3 1 JAN 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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

James W. Paul
FULWIDER PATTON LL
6060 Center Drive, 10th Floor
Los Angeles, CA 90045

In re Application of	:	DECISION ON
KEAYS, Brad	:	
Application No.: 11/667,631	:	
PCT No.: PCT/US2005/040879	:	
Int. Filing Date: 08 November 2005	:	PETITION UNDER
Priority Date: 08 November 2004	:	
Attorney's Docket No.: KEAY-76986	:	
For: GOLF CLUB REMINDER SYSTEM FOR GOLF BAGS	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 11 May 2007.

BACKGROUND

On 08 November 2005, this international application was filed, claiming an earliest priority date of 08 November 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 08 May 2007. This international application became abandoned with respect to the United States at midnight on 08 May 2007 for failure to pay the required basic national fee.

On 11 May 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.

On 09 August 2007, applicant 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 **09 August 2007.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

COPY MAILED
AUG 11 2008

In re Application of :
REN, Baorui et al. :
Application No. 11/667,650 : DECISION ON PETITION
Filed: November 30, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **1166/73441-PCT-US** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 01, 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 attesting that Jay Stein is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2624 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

10 DEC 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of	:	
MATSUDA, Hideaki	:	
Application No.: 11/667,690	:	DECISION ON
PCT No.: PCT/JP2005/022267	:	
Int. Filing Date: 29 November 2005	:	REQUEST
Priority Date: 30 November 2004	:	
Attorney's Docket No.: 2007_0650A	:	UNDER 37 CFR 1.42
For: ENHANCER OF THE ... COMPRISING GUM ARABIC	:	

This is a decision is in response to applicants submission of a declaration indicating that inventor Michinori Kubo is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 29 November 2005, applicants filed international application PCT/JP2005/022267, claiming a priority date of 30 November 2004. The deadline for entry into the national stage in the United States was 30 May 2007.

On 14 May 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 and a declaration of the inventors.

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 CFR 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 legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has a date of 14 May 2007 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division for continued processing.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

15 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Christine E. Benter
Bemis Company
2200 Badger Avenue
Oshkosh WI 54904

In re Application of	:	
GASKELL et al.	:	
Application No.: 11/667,719	:	DECISION
PCT No.: PCT/US2005/044261	:	
Int. Filing Date: 07 December 2005	:	
Priority Date: 08 December 2004	:	
Attorney Docket No.: 20730	:	
For: A STERILIZABLE PACKAGE WITH A HIGH BARRIER TO OXYGEN	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 24 March 2008 in the United States Patent and Trademark Office (USPTO) and the supplemental petition filed 29 April 2008. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 07 December 2005, applicants filed international application PCT/US2005/044261, which designated the United States and claimed a priority date of 08 December 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 15 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 June 2007.

On 14 May 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 29 August 2007, 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 an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 March 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and a statement of facts by Christine Benter.

On 29 April 2008, applicants filed a supplemental petition under 37 CFR 1.47(a) which included a statement of facts by Tammy Gunka.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (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 met.

Item (2) has not been met. As to factual proof that the inventor cannot be reached after diligent effort, the internet searches for non-signing inventor Gerry A. King yielded two results for "G. King": one at 11 Berryburn Park and another at 26 Grangemore Park (Exhibits H and I). The application papers were sent to the Grangemore Park address and returned undelivered (statement of facts by Tammy Gunka). Attempts were made to telephone the person at the Grangemore Park address but were unsuccessful. It is not clear, however, why no attempts were made to contact the G. King at the Berryburn Park address. (Although Exhibit I lists a Gerald King and a Geraldine King underneath the two addresses, it is not clear that Gerald King refers to the Grangemore Park address and Geraldine King refers to the Berryburn Park address.) As to factual proof that the inventor refuses to execute the application, it is not clear that Mr. King was ever presented with a copy of the application papers. 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). Here, the application papers were delivered to a law firm that represents Mr. King on some matters, but it is not clear that he was ever presented with a copy of the application papers by the law firm.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

16 MAR 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

Christine E. Benter
Bemis Company
2200 Badger Avenue
Oshkosh WI 54904

In re Application of	:	
GASKELL et al.	:	
Application No.: 11/667,719	:	DECISION
PCT No.: PCT/US2005/044261	:	
Int. Filing Date: 07 December 2005	:	
Priority Date: 08 December 2004	:	
Attorney Docket No.: 20730	:	
For: A STERILIZABLE PACKAGE WITH A HIGH BARRIER TO OXYGEN	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 13 January 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 07 December 2005, applicants filed international application PCT/US2005/044261, which designated the United States and claimed a priority date of 08 December 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 15 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 June 2007.

On 14 May 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 29 August 2007, 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 an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 March 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and a statement of facts by Christine Benter.

On 29 April 2008, applicants filed a supplemental petition under 37 CFR 1.47(a) which included a statement of facts by Tammy Gunka.

On 15 September 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 14 January 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a petition/fee for a two-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 15 September 2008, items (1), (3), and (4) have been met.

Item (2) has been met as well. As noted in the renewed petition, it was previously shown that Mr. King was presented with a copy of the application papers including the specification on 20 December 2008. (The indication in the decsion mailed 15 September 2008 that it was not clear that Mr. King was ever presented with a copy of the application papers was incorrect.) Mr. King's conduct constitutes a refusal to sign. The renewed petition also establishes that, after diligent effort, Mr. King cannot now be reached.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **24 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

16 MAR 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. Gerry King
16 Papworth Avemue
Derry BT48 8PT
United Kingdom

In re Application of
GASKELL et al.
Application No.: 11/667,719
PCT No.: PCT/US2005/044261
Int. Filing Date: 07 December 2005
Priority Date: 08 December 2004
Attorney Docket No.: 20730
For: A STERILIZABLE PACKAGE WITH A HIGH BARRIER TO OXYGEN

Dear Mr. King:

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

Christine E. Benter
Bemis Company
2200 Badger Avenue
Oshkosh WI 54904

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

01 NOV 2007

23117
NIXON & VANDERHYE, PC
901 North Glebe Road, 11TH Floor
Arlington, VA 22203

In re Application of:
ZAHORA *et al*
U.S. Application No.: 11/667,725
PCT No.: PCT/NL2005/000737
Int. Filing Date: 13 October 2005
Priority Date: 15 October 2004
Attorney Docket No.: BHD-4676-943
For: RADIATION CURABLE COATING COMPOSITION

DECISION

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 15 May 2007 which 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. All requirements of 37 CFR 1.137(b) are satisfied.

Applicants submitted a declaration in compliance with 37 CFR 1.497(a) and (b). The $130.00 surcharge fee has been paid.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 13 October 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 15 May 2007.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/903 and Filing Receipt.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

19 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
SCHIRDEWAN, Alexander et al.	:	
Application No.: 11/667,740	:	DECISION
PCT No.: PCT/DE2005/002040	:	
Int. Filing Date: 11 November 2005	:	ON PETITION UNDER
Priority Date: 12 November 2004	:	
Docket No.: 070317	:	37 CFR 1.137(b)
For: DEVICE FOR PREDICTING TACHYARRHYTHMIAS AND/OR ATRIAL ARRHYTHMIAS	:	

Applicant's Petition For Revival.Under 37 CFR 1.137(b), filed in the above-captioned application on 14 May 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 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 furnished a declaration of the inventors. However, the declaration lists the second inventor as "Niels Wessel," but the international application lists the second inventor as "Nils Wessel." If the discrepancy is the result of a typographical or transliteration error, a statement of which spelling is correct and a statement that the error was a typographical or transliteration error are all that are necessary to correct it. MPEP 201.03.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any 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

13 NOV 2008

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

BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
SCHIRDEWAN, Alexander et al.	:	
Application No.: 11/667,740	:	DECISION
PCT No.: PCT/DE2005/002040	:	
Int. Filing Date: 11 November 2005	:	ON PETITION UNDER
Priority Date: 12 November 2004	:	
Docket No.: 070317	:	37 CFR 1.137(b)
For: DEVICE FOR PREDICTING TACHYARRHYTHMIAS AND/OR ATRIAL ARRHYTHMIAS	:	

This decision is in response to applicants' submission under MPEP 201.03, filed with the United States Patent and Trademark Office on 29 August 2008.

BACKGROUND

On 19 August 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 29 August 2008, applicants filed this response to the Decision.

DISCUSSION

The declaration lists the second inventor as "Niels Wessel," but the international application lists the second inventor as "Nils Wessel." Applicants state that the declaration of the inventors listing the second inventor as "Niels Wessel" is correct and that the discrepancy is the result of a typographical error. The declaration filed 24 June 2008 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 24 June 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

28 NOV 2007
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

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD., SUITE 1200
DURHAM, NC 27707

In re Application of ANGUITA	:	
U.S. Application No.: 11/667,748	:	
PCT Application No.: PCT/US2005/032843	:	
Int. Filing Date: 14 September 2005	:	DECISION
Priority Date Claimed: 12 November 2004	:	
Attorney Docket No.: 1276/2 PCT/US	:	
For: MODULATION OF CD4* T CELL RESPONSES . . .	:	

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 15 May 2007.

BACKGROUND

On 14 September 2005, applicant filed international application PCT/US2005/032843, which claimed priority of an earlier United States application filed 12 November 2004. The thirty-month period for paying the basic national fee in the United States expired on 12 May 2007.

International application PCT/US2005/032843 became abandoned as to the United States for failure to timely pay the basic national fee.

On 15 May 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

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

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

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

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 06/02/2010

Applicant	: Masanori Nagai	: DECISION ON REQUEST FOR
Patent Number	: 7658791	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/667,750	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

Huawei Technologies Co., Ltd.
c/o LEASON ELLIS
81 Main Street, Suite 503
White Plains, NY 10601

Mail Date: 04/30/2010

Applicant	: Qian Yu	: DECISION ON REQUEST FOR
Patent Number	: 7627107	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/667,794	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/14/2008	: 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.

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Greg Smith :
Application No. 11/667,796 : DECISION ON PETITION
Filed: May 14, 2007 : TO WITHDRAW
Attorney Docket No. MBM-114 : FROM RECORD
:

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 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.

The request was signed by David Saliwanchik on behalf of all attorneys of record who are associated with customer No. 23557. All attorneys/agents associated with the Customer Number 23557 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no pending Office actions at the present time.

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

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

cc: GREG SMITH
C/O E'LITE OPTIK U.S.L.P.
3200 EARHART ROAD
CARROLLTON, TX 75006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/667,796	12/06/2007	Greg Smith	MBM-114

CONFIRMATION NO. 4036

23557
SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

POWER OF ATTORNEY NOTICE

Date Mailed: 06/11/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/01/2009.

- 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.

/amwise/

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

10 NOV 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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

WARN, HOFFMANN, MILLER & LALONE,
P.C.
PO BOX 70098
ROCHESTER HILLS MI 48307

In re Application of	:	
Clark et al	:	DECISION ON
Int. Application: PCT/GB2005/004395	:	
Application No.: 11/667,801	:	
Int. Filing Date: 16 November 2005	:	REQUEST UNDER
Priority Date: 16 November 2004	:	
Attorney's Docket No.: 31408/04257	:	
For: APPARATUS AND METHOD	:	37 CFR 1.497(d)

This is a decision on applicants' "PETITION TO ADD INVENTOR AND ENTRY OF OATH OR DECLARATION" filed on 03 July 2008, which is being treated as a request under 37 CFR 1.497(d) to add inventor Morten Abrahamsen in the executed declaration.

BACKGROUND

On 16 November 2005, applicant filed international application No. PCT/GB2005/004395 designating the United States and claiming a priority date of 16 November 2004.

On 16 May 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 17 January 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 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months from the 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 03 July 2008, applicant filed a "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371," which included, *inter alia*, an executed declaration.

On 30 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that inventor number 5th is an added inventor Morten ABRAHAMSEN whose name is not published.

On 03 July 2008, applicants filed current request, which included, *inter alia*, a statement under 37 CFR.1.497(d) to add Morten ABRAHAMSEN in the 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) - (2) but not item (3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted on 30 June 2008 by Morten Abrahamsen 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 provided by check.

With respect to item (3), **Elopak Systems AG**, 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). However, applicant has not satisfied item (3) of 37 CFR 1.497(d) since Christine Orhagen, who is signing on behalf of the assignee, does not have apparent authority because it is unclear what the title of this person is in the organization and if the person has apparent authority. A person must have authority to sign on behalf of the organization. Note MPEP 1820.

Accordingly, the request is not deemed to satisfy items (1) - (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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 Request 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 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

24 APR 2009

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

WARN, HOFFMAN, MILLER & LALONE, PC
PO Box 70098
Rochester Hills MI 48307

In re Application of	:	DECISION ON RENEWED
Clark et al	:	
Application No.: 11/667,801	:	
Int. Filing Date: 16 November 2005	:	REQUEST UNDER
Priority Date: 16 November 2004	:	
Attorney's Docket No.: 31408/04257	:	
For: APPARATUS AND METHOD	:	37 CFR 1.497(d)

This is a decision on applicants' "Letter Regarding Renewed Request Under 37 CFR 1.497(d)" filed on 12 January 2009.

BACKGROUND

In a decision from this Office mailed on 10 November 2008, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d). The decision stated that it was unclear if Christine Orthagen had apparent authority based on her title in Elopak Systems AG.

On 12 January 2009, applicants filed the current communication.

DISCUSSION

In regard to item (3), applicants' representative, Mr. Warn, states that Christine Orthagen's present title is "Intellectual Property Manager" and that she was and remains authorized by the Board of Elopak Systems AG to execute documents such as previously submitted "Written Consent to Add Inventor." However, Mr. Warn, has not submitted any documentary evidence from the board to support this position or statement from Ms. Orthagen affirming that she indeed has authority to sign on behalf of the assignee Elopak Systems AG. Her current title as Intellectual Property Manager is narrowly limited for her to sign on behalf of the assignee without the proper documentation. Note MPEP 1820.

Accordingly, applicant is still deemed not to satisfy item (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)". 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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

0 1 SEP 2009

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

WARN, HOFFMAN, MILLER & LALONE, PC
PO Box 70098
Rochester Hills MI 48307

In re Application of	:	DECISION ON RENEWED
Clark et al	:	
Application No.: 11/667,801	:	
Int. Filing Date: 16 November 2005	:	REQUEST UNDER
Priority Date: 16 November 2004	:	
Attorney's Docket No.: 31408/04257	:	
For: APPARATUS AND METHOD	:	37 CFR 1.497(d)

This is a decision on applicants' "SECOND RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 26 June 2009.

BACKGROUND

In a decision from this Office mailed on 24 April 2009, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 26 June 2009, applicants filed the current renewed request, which included, *inter alia*, a statement that Christine Orhagen does have authorization to act on behalf of assignee as stated in her statement.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d) as Ms. Orhagen does have authority to act on behalf of the assignee.

Accordingly, applicant 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 **10 March 2008**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21 FEB 2008

EMPK & SHILOH, LLP
116 JOHN ST., SUITE 1201
NEW YORK, NY 10038

In re Application of MALINOVICH et al.
Application No.: 11/667,833
PCT No.: PCT/IL05/01223
Int. Filing: 17 November 2005
Priority Date: 17 November 2004
Attorney Docket No.: P-7405-US
For: METHODS AND PROCESS OF TAPERING WAVEGUIDES AND OF FORMING OPTIMIZED WAVEGUIDE STRUCTURES

: DECISION ON PETITION
: UNDER 37 CFR §1.47(a)

This is a decision on applicant's petition under 37 CFR §1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 19 December 2007, to accept the application without the signature of joint inventor Dr. Amotz Shemi.

BACKGROUND

On 16 May 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 05 October 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 19 December 2007, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor Shemi and a revocation of power of attorney with new appointment. 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 Shemi, alleging that Dr. Shemi refused 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(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application

or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor Amotz Shemi was provided.

With regard to item (4), the declaration executed by the available joint inventors on their behalf and on behalf of the non-signing inventor was submitted and is found to be defective. The declaration is a three page declaration; however, the declaration as filed is comprised of four pages: one page "1", one page "3", and two pages marked "2" which are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed. Item (4) is not satisfied.

Inventor's Refusal to Sign

With respect to Item (2) above, the declaration by Shai Belzer, Chief Financial Officer of ColorChip, Ltd. was attached to the petition, detailing the efforts made to obtain the nonsigning inventor's signature. According to his declaration, on 30 August 2007, Mr. Belzer sent, via registered mail, a package containing several documents including a declaration to Dr. Shemi's last known address. On 25 September 2007, Dr. Shemi called Mr. Belzer and told him that he had received the documents and verbally refused to sign the declaration. The nonsigning inventor must be presented with a copy of the application papers before a petition under 37 CFR 1.47 can be granted in order to apprise the inventor of the application to which the declaration is directed. Neither Mr. Belzer's letter or his declaration indicate that a complete copy of the application papers (including specification, claims, drawings, and oath or declaration) were sent to the nonsigning inventor for his signature.

See Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [1]

---

[1] 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

In sum, Petitioner has satisfied Items (1) and (3).

Petitioner has not satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a copy of the application papers for U.S. application 11/667,833 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature and Dr. Shemi's refusal to sign, either in writing or by telephone, these documents. Item (4) is not satisfied as the declaration is unacceptable as filed. 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) are **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

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.)

UNITED STATES PATENT AND TRADEMARK OFFICE

29 MAY 2008

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

EMPK & SHILOH, LLP
116 JOHN ST., SUITE 1201
NEW YORK, NY 10038

In re Application of MALINOVICH et al.	
Application No.: 11/667,833	DECISION ON
PCT No.: PCT/IL05/01223	
Int. Filing: 17 November 2005	RENEWED PETITION
Priority Date: 17 November 2004	
Attorney Docket No.: P-7405-US	UNDER 37 CFR §1.47(a)
For: METHODS AND PROCESS OF TAPERING WAVEGUIDES AND OF FORMING OPTIMIZED WAVEGUIDE STRUCTURES	

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 03 April 2008, to accept the application without the signature of joint inventor Dr. Amotz Shemi. Applicant requests a four month extension of time, which is dismissed as moot as applicant responded within two months of mail date of the 21 February 2007 decision and thus, no extension of time is necessary.

BACKGROUND

On 16 May 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 05 October 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 19 December 2007, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor Shemi and a revocation of power of attorney with new appointment. 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 Shemi, alleging that Dr. Shemi refused to sign the application.

On 21 February 2008, a decision dismissing the petition was mailed to applicant indicating that petitioner had not demonstrated the non-signing inventor's refusal to sign the application.

On 03 April 2008, Petitioner filed the instant renewed petition along with a newly

On 03 April 2008, Petitioner filed the instant renewed petition along with a newly executed declaration and first-hand statement of fact regarding the non-signing inventor's refusal.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1) and (3) were previously satisfied.

With regard to item (4), Petitioner has provided a newly executed declaration, which is in compliance with 37 CFR 1.497(a) and (b) and is acceptable as filed. Item (4) is now satisfied.

With respect to Item (2) above, the declaration by Shai Belzer, Chief Financial Officer of ColorChip, Ltd. was attached to the petition, detailing the efforts made to obtain the nonsigning inventor's signature. According to his declaration, on 18 March 2008, Mr. Belzer sent, via Courier Service of the Israeli Post Office, a package containing a complete copy of the application including specification, drawings, claims, preliminary amendment and a declaration to Dr. Shemi's last known address. Two attempts to deliver the package were unsuccessful and Dr. Shemi did not respond to the notices to arrange delivery. On 25 March 2008, Mr. Belzer "spoke to Dr. Shemi by telephone and requested that he cooperate and sign the Inventor Declaration. He explicitly refused and told me to stop bothering him, as he will not sign any documents." This is sufficient evidence of the non-signing inventor's refusal to sign the application papers.

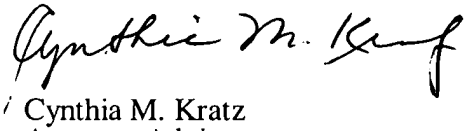
In sum, Petitioner has satisfied Items (1) - (4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petitions 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 03 April 2008. The application has an international filing date of 17 November 2005 under 35 U.S.C. 363, and a date of 03 April 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
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

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

29 MAY 2

DR. AMOTZ SHEMI
24 MALCHEI YEHUDA STREET
HERZLIYA 46348
ISRAEL

In re Application of MALINOVICH et al.	
Application No.: 11/667,833	DECISION ON
PCT No.: PCT/IL05/01223	
Int. Filing: 17 November 2005	RENEWED PETITION
Priority Date: 17 November 2004	
Attorney Docket No.: P-7405-US	UNDER 37 CFR §1.47(a)
For: METHODS AND PROCESS OF TAPERING WAVEGUIDES AND OF FORMING OPTIMIZED WAVEGUIDE STRUCTURES	

Dear Dr. Shemi:

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

EMPK & SHILOH, LLP
116 JOHN ST., SUITE 1201
NEW YORK, NY 10038

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

22 AUG 2008

Mr. Joseph Arol
4 Barash Street
Kiryat Ono, 55558
ISRAEL

In re Application of
AROL, et al.
Application No.: 11/667,837
PCT No.: PCT/IL05/01220
Int. Filing Date: 17 November 2005
Priority Date: 17 November 2004
Atty. Docket No.: P-9613-US
For: OPTICAL CROSSBAR SWITCH

Dear Mr. Arol:

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

EMPK & Shiloh, LLP
c/o Landon IP, Inc.
1700 Diagonal Road
Suite 450
Alexandria VA 22314
United States of America

UNITED STATES PATENT AND TRADEMARK OFFICE

22 AUG 2008

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

Mr. Menachem Eizenshtat
3/12 Hatchia Street
Ra'anana, 43519
ISRAEL

In re Application of
AROL, et al.
Application No.: 11/667,837
PCT No.: PCT/IL05/01220
Int. Filing Date: 17 November 2005
Priority Date: 17 November 2004
Atty. Docket No.: P-9613-US
For: OPTICAL CROSSBAR SWITCH

Dear Mr. Eizenshtat:

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

EMPK & Shiloh, LLP
c/o Landon IP, Inc.
1700 Diagonal Road
Suite 450
Alexandria VA 22314
United States of America

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

22 AUG 2008

Mr. Zohar Avrahami
18/65 Shraga Rephaeli Street
Petach Tikva 49064
ISRAEL

In re Application of
AROL, et al.
Application No.: 11/667,837
PCT No.: PCT/IL05/01220
Int. Filing Date: 17 November 2005
Priority Date: 17 November 2004
Atty. Docket No.: P-9613-US
For: OPTICAL CROSSBAR SWITCH

Dear Mr. Avrahami:

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

EMPK & Shiloh, LLP
c/o Landon IP, Inc.
1700 Diagonal Road
Suite 450
Alexandria VA 22314
United States of America

UNITED STATES PATENT AND TRADEMARK OFFICE

22 AUG 2008

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

EMPK & Shiloh, LLP
c/o Landon IP, Inc.
1700 Diagonal Road
Suite 450
Alexandria VA 22314

In re Application of :
AROL, et al. :
Application No.: 11/667,837 :
PCT No.: PCT/IL05/01220 : DECISION ON PETITION
Int. Filing Date: 17 November 2005 : UNDER 37 CFR 1.47(a)
Priority Date: 17 November 2004 :
Atty. Docket No.: P-9613-US :
For: OPTICAL CROSSBAR SWITCH :

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 29 July 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 November 2005, applicant filed international application PCT/IL05/01220 which claimed priority to an earlier application filed 17 November 2004. A copy of the international application was communicated from the International Bureau (IB) to the United States on 26 May 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 17 May 2007.

On 16 May 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 preliminary amendment.

On 26 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 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 29 July 2008, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signatures of joint inventors Joseph Arol, Menachem Eizenshtat and Zohar Avrahami accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. The 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. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 17 November 2005 under 35 U.S.C. 363, and will be given a date of **29 July 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Tatsuhiko Mizutani	: DECISION ON REQUEST FOR
Patent Number	: 7608966	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/667,878	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **9** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

05 JUL 2007

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

In re Application of	:	
KOLBERG et al.	:	
Application No.: 11/667,879	:	DECISION ON
PCT No.: PCT/EP2005/011952	:	
Int. Filing Date: 09 November 2005	:	PETITION UNDER
Priority Date: 10 November 2004	:	
Attorney Docket No.: NY-DNAG-335-US	:	37 CFR 1.137(b)
For: METHOD FOR COATING METALLIC SURFACES WITH AN AQUEOUS MULTI-COMPONENT COMPOSITION	:	

This decision is in response to applicants' submission filed 15 May 2007.

BACKGROUND

On 09 November 2005, applicant filed international application PCT/EP2005/011952 which designated the U.S. and claimed a priority date of 10 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 April 2007.

On 15 May 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 English translation of the international application as filed, 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, 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 15 May 2007.

As to item (2), applicant submitted the petition fee on 15 May 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 oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the processing fee under 37 CFR 1.492(f) for providing the English translation later than thirty months from the priority date.

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

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

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

Mail Date: 04/21/2010

Applicant	: Dieter Schwalm	: DECISION ON REQUEST FOR
Patent Number	: 7654588	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/667,907	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **95** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 27 2009

OFFICE OF PETITIONS

Applicant: Prentice et al.
Appl. No.: 11/667,927
International Filing Date: November 21, 2005
Title: METHODS FOR PRODUCING MAMMALIAN CELLS
Attorney Docket No.: 2159.0200001/EKS/D-S
Pub. No.: US 2008/0131929 A1
Pub. Date: June 5, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 5, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material a error in dependent claim 19 reciting dependency on "claim 1S" and not "claim 18".

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 noted by requestor is not a material Office error under 37 CFR 1.221, since the public's ability to appreciate the technical disclosure of the application is unaffected by the error, since the technical disclosure is clear from the context. With respect to provisional rights, the public is confronted with a claim 19 that depends on "claim 1S". Clearly, since claims are numeric only, the public is on notice that dependent claim 19 contains a misprint. The following facts are found: first, that claim 19 presents a restriction of a range or a "selective condition"; second, that claims 18, 19, 20, and 21 each present a restriction of the same range, with each successive claim depending upon the claim above and presenting a successively narrower range. From these facts, it is clear to the public that the scope of the selective conditions that the

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

applicant may seek to enforce upon issuance of a patent encompass each of the ranges set forth in claims 18-21.

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

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

Leigh P. Gregory
P.O. Box 168
Clemson, SC 29633-0168

MAILED

JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Shalaby W. Shalaby	:	
Application No. 11/667,933	:	DECISION ON
Effectively filed: May 16, 2007	:	PETITION TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 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 statement by an attorney on behalf of the applicant. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning the status of the application should be directed to the Office of Patent Examination Processing at 571-272-4000.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 1615 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

28 SEP 2007
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

Blakely Sokoloff Taylor & Zafman
12400 Wilshire Boulevard 7th Floor
Los Angeles CA 90025

In re Application of :
Maim :
Application No.: 11/667,936 :
PCT No.: PCT/FR04/02745 :
Int. Filing Date: 25 October 2004 : DECISION
Priority Date: 24 October 2003 :
Attorney Docket No.: 15675P669 :
For: Methods Of Manipulating Information Objects And : Of Accessing Such Objects In A Computer Environment:

The petition to revive under 37 CFR 1.137(b) filed on 15 May 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 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 required reply in the form of the basic national fee, and has paid the petition 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.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

26 OCT 2007
UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
TAKAHASHI (deceased) et al.	:	DECISION ON
Application No.: 11/667,949	:	
PCT No.: PCT/JP2005/021446	:	PAPERS
Int. Filing Date: 22 November 2005	:	
Priority Date: 25 November 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 1000023-000122	:	
For: METHOD FOR REDUCING TRANSITION METAL, AND METHOD FOR TREATING SURFACE OF SILICON-CONTAINING POLYMER, METHOD FOR PREPARING FINE TRANSITION METAL PARTICLES AND METHOD FOR PRODUCING ARTICLE AND WIRING BOARD, USING THE REDUCING METHOD	:	

This is a decision on the submission filed by applicants on 17 May 2007, which was accompanied by, *inter alia*, a declaration of the inventors. The indication in this declaration that inventor Masaki Takahashi is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 22 November 2005, applicants filed international application PCT/JP2005/021446 which claimed a priority date of 25 November 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 May 2007.

On 17 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, an English translation of the international application as filed, and a declaration of inventors. The indication in this declaration that inventor Masaki Takahashi is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 17 May 2007 fails to comply with 37 CFR 1.497(a)-(b). It is not clear from the declaration whether the information below Akiko Kitamura's signature is her

citizenship, or if it is the citizenship of Masaki Takahashi . Additionally, the declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

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.

Applicant is required to submit a declaration in compliance with 37 CFR 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 CFR 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."

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

18 MAR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
TAKAHASHI (deceased) et al.	:	DECISION ON
Application No.: 11/667,949	:	
PCT No.: PCT/JP2005/021446	:	PAPERS
Int. Filing Date: 22 November 2005	:	
Priority Date: 25 November 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 1000023-000122	:	
For: METHOD FOR REDUCING TRANSITION METAL, AND METHOD FOR TREATING SURFACE OF SILICON-CONTAINING POLYMER, METHOD FOR PREPARING FINE TRANSITION METAL PARTICLES AND METHOD FOR PRODUCING ARTICLE AND WIRING BOARD, USING THE REDUCING METHOD	:	

This is a decision on the renewed petition under 37 CFR 1.42 filed by applicants on 18 December 2007, which was accompanied by, *inter alia*, a declaration of the inventors.

BACKGROUND

On 22 November 2005, applicants filed international application PCT/JP2005/021446 which claimed a priority date of 25 November 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 May 2007.

On 17 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, an English translation of the international application as filed, and a declaration of inventors. The indication in this declaration that inventor Masaki Takahashi is deceased was treated as a request for status under 37 CFR 1.42.

On 26 October 2007, a decision was mailed refusing applicants' request for status under 37 CFR 1.42 because it was not clear from the declaration whether the information below Akiko Kitamura's signature is her citizenship, or if it is the citizenship of Masaki Takahashi and because the declaration did not include the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)).

On 18 December 2007, applicants filed the instant renewed petition under 37 CFR 1.42 which was accompanied by, *inter alia*, a declaration of the inventors.

DISCUSSION

The submission filed 18 December 2007 has been reviewed and has been found in compliance with 37 CFR 1.42. Together, the declarations filed 17 May 2007 and 18 December 2007 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL TOBIAS
1629 K ST NW
SUITE 300
WASHINGTON DC 20006

COPY MAILED

SEP 23 2008

OFFICE OF PETITIONS

In re Application of :

KATO, Rikiya et al. :
Application No. 11/667,959 : DECISION ON PETITION
Filed: October 31, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **FRO/219/US** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 08, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the declaration of inventor Rikiya Kato, attesting to his age. Accordingly, the above-identified application will be 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 1793 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

12 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IP LEGAL DEPARTMENT
TYCO FIRE & SECURITY SERVICES
ONE TOWN CENTER ROAD
BOCA RATON FL 33486

In re Application of	:	
SHAFER et al.	:	
Application No.: 11/667,979	:	DECISION
PCT No.: PCT/US2005/041674	:	
Int. Filing Date: 18 November 2005	:	
Priority Date: 19 November 2004	:	
Attorney's Docket No.: F-TP-00024	:	
For: TECHNIQUE AND HARDWARE FOR COMMUNICATING WITH BACKSCATTER RADIO FREQUENCY IDENTIFICATION READERS	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed 29 February 2008.

BACKGROUND

On 17 May 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, a Transmittal Letter. The Transmittal Letter indicated the international application number as PCT/2005/041674, which is not a valid international application number.

On 25 October 2007, a Notification was mailed indicating 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 international application number on the Transmittal Letter was required.

On 29 February 2008, applicant submitted the instant petition under 37 CFR 1.182. The petition fee of $400 has been paid.

DISCUSSION

A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/US2005/041674**.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including processing the application as the national stage of international application **PCT/US2005/041674** and preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

26 DEC 2007

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

Christopher J. Wickstrom
RADER, FISHMAN & GRAUER PLLC
1233 20TH Street, N.W.
Suite 501
Washington, DC 20036

In re Application of: Nakagawa, Maso et al
U. S. Application No.: 11/667,981
PCT Application No.: PCT/JP2005/019316
Int. Filing Date: 20 October 2005
Priority Date: 22 October 2004
Atty Docket No.: KAK-0024
For: POWER SUPPLY FOR SEMICONDUCTGOR LIGHT EMITTING DEVICE AND ILLUMINATING DEVICE

: DECISION ON
: PETITION
: UNDER
: 37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 17 May 2007 is **GRANTED**.

BACKGROUND

On 20 October 2005, applicant filed international application PCT/US2005/019316. The international application designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 22 October 2004. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 22 April 2007.

On 17 May 2007, applicant filed the instant petition for revival accompanied by, *inter alia*, the petition fee under 37 C.F.R. 1.17(m) and, a statement that the entire delay was unintentional.

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 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 until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 20 October 2005 under 35 U.S.C. 363. The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Cathy Lam
Detailee
Office PCT Legal Administration

Telephone: (571) 272-6095

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

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

Mail Date: 04/22/2010

Applicant	: Wern M. Koe	: DECISION ON REQUEST FOR
Patent Number	: 7605732	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,006	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAM H. HONAKER
DICKINSON WRIGHT PLLC
STE. 2000
38525 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-2970

MAILED

OCT 27 2009

OFFICE OF PETITIONS

In re Application of	:	
John Clarke et al	:	DECISION GRANTING STATUS
Application No. 11/668,021	:	UNDER 37 CFR 1.47(a)
Filed: January 29, 2007	:	
Attorney Docket No. 642940-077	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 25, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

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

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

This application is being referred to the Office of Data Management for issuance into a patent via receipt of the issue and publication fees in reply to the Notice of Allowance and Fees Due mailed September 16, 2009.

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

/KOC/
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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/668,021	01/29/2007	John Clarke	642940-077	3114

7590 11/20/2009

William H. Honaker
Dickinson Wright PLLC
Ste. 2000
38525 Woodward Avenue
Bloomfield Hills, MI 48304-2970

EXAMINER	
WALKER, NED ANDREW	
ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
11/20/2009	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.

NOV 0 9 2009
PATENT & TRADEMARK OFFICE

IFW

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. DAVID BUTLER
2451 FOX CIRCLE DR.
RAVENNA OH 44266

MAILED

OCT 27 2009

OFFICE OF PETITIONS

In re Application of
John Clarke et al
Application No. 11/668,021
Filed: January 29, 2007
For: INTERNALLY THREADED CAP

Dear Mr. Butler:

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

WILLIAM H. HONAKER
DICKINSON WRIGHT PLLC
STE. 2000
38525 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-2970

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

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

Mail Date: 04/21/2010

Applicant	: James Canon	: DECISION ON REQUEST FOR
Patent Number	: 7593928	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,025	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **154** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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

Mail Date: 05/18/2010

Applicant : James Canon
Patent Number : 7593928
Issue Date : 09/22/2009
Application No: 11/668,025
Filed : 01/29/2007

: 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 **183** 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

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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of :
Voss et al. :
Application No. 11/668,036 : ON APPLICATION FOR
Filed: January 29, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. VTN-5120-USANP

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed February 16, 2010, which is properly treated under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent of at least three hundred and fifty-three (353) days, not two hundred and thirty (230) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

Deposit account 10-0750 will be charged $200.00 for the fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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

---

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

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

Telephone inquiries specific to this decision should be directed to 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

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

COPY MAILED

FEB 04 2008

OFFICE OF PETITIONS

In re Application of :
Manabu Yamazoe et al :
Application No. 11/668,059 : ON PETITION
Filed: January 29, 2007 :
Attorney Docket No. 03500.013606.2

This is a decision on the petition, filed January 31, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 9, 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 2624 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

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

GOWLING LAFLEUR HENDERSON LLP (RIM)
160 ELGIN STREET, SUITE 2600
OTTAWA, ON K1P 1C3
CANADA

Mail Date: 06/09/2010

Applicant	: Piotr Konrad TYSOWSKI	: DECISION ON REQUEST FOR
Patent Number	: 7633438	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/668,068	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **253** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

BRIAN ROFFE, ESQ
540-B WILLOW AVENUE
CEDARHURST NY 11516-2211

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Breed et al.	:	
Application No. 11/668,070	:	ON PETITION
Filed: January 29, 2007	:	
Attorney Docket No. ATI-310	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 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 the applicant's attorney, along with a copy of Mr. David Breed's U.S Passport. Accordingly, the above-identified application has been accorded "special" status.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Manabu Ochi	:	
Application No. 11/668086	:	
Filing or 371(c) Date: 01/29/2007	:	
Attorney Docket Number:	:	DECISION
1021.47102X00	:	ON PETITION

This is a decision on the "Petition for Filing Date of January 29, 2007 Complete Non-Provisional Application and Response to Notice of Incomplete Nonprovisional Application," filed November 16, 2007.

The petition is granted.

The application was filed on January 29, 2007, in a language other than English. On September 18, 2007, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the specification did not include at least one claim.

Applicant responds with the instant petition and avers that the application as-filed on January 29, 2007, included at least one claim. Applicant includes an English language translation of the application.

Applicable Law, Rules/MPEP

> (d) A nonprovisional or provisional application may be in a language other than English.
> (1) Nonprovisional application . If a nonprovisional application is filed in a language other than English, an English language translation of the non-English language application, a statement that the translation is accurate, and the processing fee set forth in § 1.17(i) are required. If these items are not filed with the application, applicant will be notified and given a period of time within which they must be filed in order to avoid abandonment.

Applicant has also filed, in response to the Notice, a statement that the translation is accurate, a Declaration, and replacement drawing sheets and filing fees.

In view of the above, the Notice mailed September 18, 2007, was mailed in error and is hereby withdrawn.

Accordingly, the petition is granted.

The petition fee submitted, $130.00, has been refunded to Applicant's deposit account[1].

This application is being forwarded to the Office of Patent Application Processing, for further processing, with the filing date of January 29, 2007, using the application papers filed on that date, and for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

[1] Applicant is advised that the fee for a petition under 37 CFR 1.182 increased to $400.00 effective December 8, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

POWELL GOLDSTEIN LLP
ONE ATLANTIC CENTER
FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW
ATLANTA GA 30309-3488

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of
Derrick Ware
Application No. 11/668,104
Filed: January 29, 2007
Attorney Docket No: 148593.00400

ON PETITION

This is a decision on the petition filed November 16, 2007, to withdraw the holding of abandonment, which is treated under 37 CFR 1.181.

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

The application was held abandoned on April 24, 2007 for failure to file a timely response to the Notice to File Missing Parts mailed February 21, 2007. A two month period for reply was set. No response and no extension of time having been filed, accordingly, a Notice of Abandonment was mailed on October 31, 2007.

Petitioner asserts that a proper response, was filed via facsimile transmission on March 13, 2007. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission pursuant to 37 CFR 1.8 and was acknowledged by the U.S. Patent and Trademark Office in an Auto-Reply Facsimile Transmission.

While, the requirement for filing papers with the USPTO is that every paper bear an appropriate application no. or identifier, a review of the materials submitted show that other identifiable information was found to be on the papers filed as the response and could therefore have been properly matched. However, because an incorrect application number was placed on the Facsimile Transmission Cover Sheet, the papers were filed in an unrelated application and not matched to the instant application. The totality of the evidence however shows that the response was timely filed. The response filed March 13, 2007 has now been moved from the incorrect application number file to the file of 11/668,104.

Accordingly, the Notice of Abandonment mailed October 31, 2007 was mailed in error

and is hereby withdrawn. No petition fee is due and none has been charged. In view thereof, 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

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

JJGJR.: 09-07

Paper No: __

COPY MAILED

SEP 27 2007

OFFICE OF PETITIONS

GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY MI 48007-7021

In re Application of :
Naik, et al. : DECISION
Application No.: 11/668,145 :
Filing Date: 29 January, 2007 :
Attorney Docket No. TTC-36102/08 :

This is a decision on the petition filed on 5 April, 2007, under 37 C.F.R. §1.47(a).

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

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

NOTES:

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

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

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

BACKGROUND

The record reflects that:

- the instant application was filed on 29 January, 2007, without, *inter alia*, a fully executed oath/declaration;
- on 21 February, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 5 April, 2007, Petitioner Gilberto R. Gabo (Reg. No. 57,164) filed, *inter alia*, the instant petition with an oath/declaration signed by inventor Messrs. Naik and Kano (for themselves and on behalf of) non-signing inventor Paul Anthony Reading (Mr. Reading), and while Petitioner seems to aver compliance with the rule, it appears from the copy of correspondence provided that the entire application (description, claims, abstract and drawings) was not sent to Mr. Reading as required by law, in that the correspondence refers to "formal papers," and the only such papers identified I the correspondence are the oath/declaration and assignment.

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

---

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

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

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—
(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

ANALYSIS

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

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

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

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

---

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

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

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

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

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

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

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

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

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

> the claims, as amended by any amendment specifically referred to in the oath or declaration; and
>
> (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

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

The commentary at MPEP §409.03(d) provides:

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

REFUSAL TO JOIN

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

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

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

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

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

> in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

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

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

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

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

CONCLUSION

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

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

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

---

[3] See: MPEP 409.03(b).

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

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

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

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 12-07

Paper No: __

GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY MI 48007-7021

COPY MAILED

DEC 28 2007

OFFICE OF PETITIONS

In re Application of :
Naik, et al. :
Application No.: 11/668,145 :
Filing Date: 29 January, 2007 :
Attorney Docket No. TTC-36102/08 :

DECISION

This is a decision on the petition filed on 30 October, 2007, under 37 C.F.R. §1.47(a).

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

BACKGROUND

The record reflects that:

- the instant application was filed on 29 January, 2007, without, *inter alia*, a fully executed oath/declaration;

- on 21 February, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 5 April, 2007, Petitioner Gilberto R. Gabo (Reg. No. 57,164) filed, *inter alia*, a petition with an oath/declaration signed by inventor Messrs. Naik and Kano (for themselves and on behalf of) non-signing inventor Paul Anthony Reading (Mr. Reading), and while Petitioner seems to aver compliance with the rule, it appears from the copy of correspondence provided that the entire application (description, claims, abstract and

drawings) was not sent to Mr. Reading as required by law, in that the correspondence refers to "formal papers," and the only such papers identified I the correspondence are the oath/declaration and assignment–and so the petition was dismissed on 27 September, 2007;

- the instant petition .seeks to overcome these deficiencies and Petitioner has set forth, *inter alia*, evidence of transmittal of the entire application (description, claims, abstract and drawings to the non-signing inventor at an address identified after due diligence, and makes other showings consistent with the guidance in the Commentary at MPEP §409, et seq.

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

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

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

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

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

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for further processing in due course.

---

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

See specifically, the regulations at 37 C.F.R. §10.18.

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

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

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 12-07

Paper No: __

PAUL ANTHONY READING
3335 ELSINORE COURT
ANN ARBOR, MI 48105

COPY MAILED

DEC 28 2007

OFFICE OF PETITIONS

In re Application of :
Naik, et al. : COMMUNICATION
Application No.: 11/668,145 :
Filing Date: 29 January, 2007 :
Attorney Docket No. TTC-36102/08 :

Dear Paul Anthony Reading:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application,

---

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

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

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

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

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

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

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

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

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY MI 48007-7021

---

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GORDON & JACOBSON
SUITE 407
60 LONG RIDGE ROAD
STAMFORD, CT 06902

COPY MAILED

AUG 14 2009

OFFICE OF PETITIONS

In re Application of :
Sundaram Ravikumar :
Application No. 11/668,169 : DECISION ON PETITION
Filed: January 29, 2007 : TO WITHDRAW
Attorney Docket No. RAV-027 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 25, 2009.

The request is **APPROVED**.

The request was signed by David P. Gordon on behalf of the practitioners of record associated with Customer Number 36822.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Sundaram Ravikumar at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Sundaram Ravikumar
265 Hardscrabble Road
Briarcliff Manor, NY 10510

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

WILLIAMS, MORGAN & AMERSON, P.C.
10333 RICHMOND AVE.
SUITE 1100
HOUSTON, TX 77042

COPY MAILED

DEC 17 2009

OFFICE OF PETITIONS

In re Application of :
Gabriel G. Marcu :
Application No. 11/668,209 : ON PETITION
Filed: January 29, 2007 :
Attorney Docket No. 2095.000983 :

This is a decision on the petition under 37 CFR 1.137(b) filed October 16 2009, requesting revival of the above-identified application.

The application was held abandoned for failure to timely file a reply to the final Office action mailed on January 8, 2009. A Notice of Abandonment was mailed September 1, 2009.

Petitioner argues "The undersigned and the Examiner had an agreement regarding the supplemental amendment that was electronically filed on April 8, 2009. The Examiner agreed to withdraw the finality of the Final Office Action. Based upon this agreement, Applicant filed the aforementioned Supplemental Amendment under the belief and agreement that a new non-final office action or a Notice of Allowance would be forthcoming. Despite the fact that Applicant filed the Supplemental Amendment within three months from the date of the Final Office Action, and despite the fact that this amendment was filed as a part of an agreement with the Examiner to withdraw the finality of the office action, a Notice of Abandonment was issued."

A review of the record shows that a response was timely filed on April 8, 2009. However, in the Notice of Abandonment mailed September 1, 2009, the examiner mentions that the reply dated April 8, 2009 did not place the application in condition for allowance and if the examiner had received the supplemental amendment in time the examiner would have cited new art rejecting the claims.

It is noted that petitioner filed the supplemental amendment on the last day of the three month statutory period for reply. However, while petitioner may delay action until the end of

the time period for reply, petitioner must assume the risk attendant to such delay[1]. Petitioner should not have allowed the maximum extendable period to expire while awaiting a notice of allowance or other action from the examiner.

Additionally, petitioner is reminded that all business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt[2].

In view of the above, this application was properly held abandoned and the petition fee will not be refunded. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $1,110 extension of time submitted on October 16, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and the submission under 37 CFR 1.114 along with the $810 fee; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3662 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed October 16, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See* Ex parte Warren, 1901 Dec. Comm'r Pat. 137 (Comm'r Pat. 1901).

[2] *See 37 CFR 1.2.*

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

MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE KY 40202

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of :
Robinson et al. :
Application No. 11/668,211 : ON APPLICATION FOR
Filed: January 29, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. 25183-3 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b) AND 35 U.S.C. § 154, filed April 27, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is five hundred forty-nine (549) days[1], not three hundred forty-two (342) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

[1] This calculation is based on an estimated issuance date of August 24, 2010.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

---

[2] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**TOWNSEND AND TOWNSEND
AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834**

COPY MAILED

FEB 25 2008

OFFICE OF PETITIONS

In re Application of
James F. ZUCHERMAN, et al
Application No. 11/668,217
Filed: January 29, 2007
Attorney Docket No. 5910-208

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 November 14, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP, has been revoked by the assignee of the patent application on December 21, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address first copied below.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JOHN R. OWEN
COATS & BENNETT, P.L.L.C.
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27511

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

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Szabolcs Sovenyi	: DECISION ON REQUEST FOR
Patent Number	: 7639598	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,236	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **425** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 13 2010

OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of
Carl L. Hansen et al
Application No. 11/668,263
Filed: January 29, 2007
Attorney Docket No. 20174C-004921US

DECISION ON PETITION

This is a decision on the petition, filed February 26, 2010, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the notice of appeal received June 30, 2009. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on August 21, 2009. A Notice of Abandonment was mailed on February 19, 2010.

The petition states that an Appeal Brief accompanied by a five month extension of time was submitted on February 22, 2010 (February 21, 2010 being a Sunday). A review of the Office records indicates receipt of the above.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1792 for appropriate action by the Examiner in the normal course of business on the reply received February 22, 2010.

/KOC/
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

FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Mail Date: 04/20/2010

Applicant	: Barna Szabados	: DECISION ON REQUEST FOR
Patent Number	: 7598631	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,268	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **415** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/668,273	01/29/2007	Shingo URABABA	302732US2	3545

7590 01/08/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
GOODEN JR, BARRY J	

ART UNIT	PAPER NUMBER
3616	

NOTIFICATION DATE	DELIVERY MODE
01/08/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 01/07/2009 NFARMER
01730/2007 INTEFSW 00000584 11668273
02 FC:1111 -500.00 OP

Refund Ref:
01/07/2009 0030065303

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1001

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.
11/668,333	01/29/2007	James G. Metz	2997-93-2	3673

7590 02/13/2008

SHERIDAN ROSS P.C.
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER	
MCELWAIN, ELIZABETH F	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
02/13/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 02/14/2008 KKING1
09714/2007 INTEFSW 00002265 191970 11668333
02 FC:1111 500.00 CR

Adjustment date: 02/14/2008 KKING1
09724/2007 MTEKLEMI 00000016 191970 11668333
01 FC:1202 450.00 CR
02 FC:1201 2400.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL

APR 15 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOUSTON ELISEEVA
4 MILITIA DRIVE, SUITE 4
LEXINGTON MA 02421

In re Application of:
VINCENT, LEON et al
Application Serial No.: 11/668,338
Filed: January 29, 2007
For: **PRINTING METHOD**

DECISION
ON PETITION

This is a decision on the petition filed March 19, 2010 under 37 CFR § 1.181, requesting the Commissioner to invoke his supervisory authority and withdraw the finality of the final Office action mailed December 18, 2009.

PERTINENT BACKGROUND

This application was filed January 29, 2007.

A first Office action was issued May 27, 2009 rejecting claims 1-10 under 35 USC 102(b) as being anticipated by Riet (US 5,652,776).

A response to the first Office action was timely filed and received in the Patent and Trademark Office (PTO) on September 28, 2009. Claims 1, 9, and 10 were amended. Claims 11-17 were added.

A Final Office action was issued on December 18, 2009 with new grounds of rejection rejecting claims 1-17 under 35 USC 102(b) as being anticipated by non-patent literature titled "Using Advanced DICOM printer" referred to as Dicom.

On February 12, 2010, applicant filed an amendment after Final concurrently with a request to withdraw final action. Claim 18 was added.

On March 17, 2010 an Advisory action was mailed denying entry of the amendment.

Petitioner seeks relief by filing a petition under 37 CFR 1.181 requesting the finality of the Final Office action of December 18, 2009 be withdrawn.

REGULATIONS AND PRACTICE

37 CFR § 1.113(a) states in part that:

Copied from 11668388 on 05/04/2010

(a) On the second or any subsequent examination or consideration by the examiner the rejection or other action may be made final, whereupon applicant's or patent owner's reply is limited to appeal in the case of rejection of any claim (§ 1.191) or to amendment as specified in § 1.116. ...

MPEP § 706.07(a) states in part that:

Under present practice, second or any subsequent action on the merits shall be final, except where the examiner introduces a new ground of rejection that is (not) necessitated by applicant's amendment of the claims...

OPINION

Petitioner contends, "This new rejection was not necessitated by any amendment to claim 1. In the September 28th Rule 111 Amendment, claim 1 was only amended to improve grammar. The finality of the Office Action is, therefore, premature."

A review of the amendment filed September 28, 2009 finds that the amendment to claim 1 went beyond merely to improve grammar. Claim 1 as amended on September 28, 2009 stated:

> 1. (Currently amended) A printing method comprising ~~the steps of:~~ retrieving a lay out composition for a print sheet from memory, the lay out composition being defined as a hierarchical structure of cells, the position and dimensions of the cells being hierarchically defined relative to a parent cell, independent of characteristics of a reproducing device; creating a printing model for at least one image and/or associated data to be printed according to the lay out composition, the printing model including ~~and~~ links to data files comprising said image or data to be printed; and converting the printing model into a bit map representation to be applied to the reproducing device taking into account printing characteristics of the reproducing device.

Originally as filed, claim 1 specified that the printing model was created for "at least one image and/or associated data to be printed according to the layout composition and links to data files comprising said image or data to be printed" (emphasis added).

The amendment to claim 1, now requires the printing model to include "links to data files comprising said image or data to be printed".

As can be seen by the amendment the claim no longer requires the printing model to be created for at least one image and/or associated data printed based on layout composition and links to data files comprising said image or data to be printed. Now the claim requires the printing model to include links to data files comprising said image or data to be printed. This was not required in the original claim.

The amendment filed September 28, 2009 amended and altered the scope of independent claim 1. Thus, the new grounds of rejection in the final Office action mailed December 18, 2009, was

Copied from 11668388 on 05/04/2010

necessitated by applicants' amendment and in accordance with MPEP 706.07(a) the action was appropriately made final.

CONCLUSION

For the above stated reasons, the petition to withdraw the finality of the Final Office action of December 18, 2009 is **DENIED**.

The three month shortened statutory period for response set forth in the Final Office action of December 18, 2009 plus a one month extension of time filed March 19, 2010 for a total of four months continues to run from the date of the final office action.

Wanda L. Walker, Director
Technology Center 2600
Communications

Copied from 11668388 on 05/04/2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MACPHERSON KWOK
CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE CA 95110

COPY MAILED

SEP 11 2008

OFFICE OF PETITIONS

In re Application of :
Kong, et al. :
Application No. 11/668,345 : DECISION
Filed/Deposited: 29 January, 2007 :
Attorney Docket No. AB-1651-3C US :

This is a decision on the petition filed on 20 April, 2007, seeking to have accorded a filing date of 29 January, 2007, for drawings FIGS. 10B, 11A, 22 and 23 (as enumerated in the 22 February, 2007, Notice of Omitted Items) and FIGS. 12 and 21A as further identified by Petitioner in the above-identified application under 37 C.F.R. §1.57(a), based on the inadvertently omitted drawings being present in the prior-filed foreign application to which this application claimed benefit on filing under 37 C.F.R. §1.55, and to the nonprovisional applications to which this application claimed benefit on filing under 37 C.F.R. §1.78.

The petition is **GRANTED**.

The regulations at 37 C.F.R. §1.57 provide that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under §1.55 for priority of a prior-filed foreign application, or a claim under §1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under §1.55 or §1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by §1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. §111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ***
>
> (3) If an application is not otherwise entitled to a filing date under §1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 C.F.R. §1.57(a) are applicable.

Petitioner asserts that the drawings were inadvertently omitted from the instant application (identified in the preliminary amendment as "a continuation of U.S. patent application 10/986,930 filed on November 15, 2004, which is a continuation of U.S. patent application no. 10/602,052 filed on June 24, 2003, now issued as U.S. Patent No. 6,872,976, which is a divisional of U.S. patent application no. 09/970,785 (filed October 5, 2001, now issued as U.S. Patent No. 6,590,226, which claims priority to and the benefit of Korean Application No. 2000-65860, filed on November 7, 2000, which are all incorporated herein by reference." Petitioner further provides what are represented as true copies of FIGS. 10B, 11A, 22 and 23 described in the specification, and of FIGS.12 and 21A described in the specification.

Applicant has submitted copies of the FIGS. 10B, 11A, 12, 21A, 22 and 23 from parent Application No. 10/986,930. Since the drawings are found to be completely contained within the disclosure of the parent application, in accordance with the requirements of 37 C.F.R. §1.57, the drawings filed 20 April, 2007, are accepted as a substitute for the originally file drawings. It is noted that the drawings are not marked as "replacement sheets" as set forth in 37 C.F.R. §1.121(d). Drawing figures properly labelled as replacement sheets should be filed to clarify the situation.

Telephone inquiries concerning this matter should be directed to Attorney John J Gilllon, Jr., at (571) 272-3214.

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
www.uspto.gov

HAYES AND BOONE, LLP
SIP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Hyang-Shik Kong, et al. :
Application No. 11/668,345 : DECISION GRANTING PETITION
Filed: January 29, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. AB-1651-3C US :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed July 14, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 2, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2892 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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

JAN 29 2009

Adam C. Rehm
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, IL 60606-1080

In re Application of :
Tom Crocket et al :
Application No. 11/668,365 : DECISION ON PETITION
Filed: January 29, 2007 : UNDER 37 CFR 1.181
Attorney Docket No.: 70012200-0043-117 :
For: SEMI-RIGID, ADJUSTABLE DUCT :
CONNECTOR :

This is in response to applicants' petition under 37 CFR 1.181 filed December 22, 2008. The petition requests withdrawal of the Final Office action as being premature. However, the issues raised and arguments presented indicate that this petition actually pertains to the completeness of the Office action instead of whether or not the action was properly made final. Accordingly, the petition will be treated as a request for a complete Office action.

The petition is **GRANTED**.

Applicants allege that the Final Rejection mailed October 21, 2008 is incomplete and thus premature because (1) claim elements remain unexamined, (2) rejections fail to convey the examiner's grounds for rejection, (3) all of applicants' arguments were not addressed, and (4) the grounds of rejection have been changed. In view of the above, it is applicants' position that they are unable to ascertain how to respond or the advisability of an appeal.

At the outset and with respect to points (2) and (4), it should be noted that the ground of rejection is clearly set forth in the Final Rejection. Specifically, the ground of rejection of record is that claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 904,199 to Harris[1]. Further, this ground of rejection is the same as was presented in the Non-Final Rejection mailed January 25, 2008 and therefore does not constitute a new ground of rejection. With reference to the Advisory Action of December 16, 2008, the provision of a more detailed explanation of the examiner's position in response to applicants' remarks made after final rejection does not make the rejection of record in the Final Rejection a "new ground of rejection", nor does it alter what the rejection was.

[1] Applicants' reference to the rejection being under 35 U.S.C. 102(a) (see page 3 of the petition) is incorrect and apparently a typographical error. Both the Non-Final Rejection and the Final Rejection clearly identify the statutory basis as 35 U.S.C. 102(b).

With respect to points (1) and (3), the issue at hand is whether or not the Final Rejection constituted a complete response to the reply filed on July 25, 2008 and not whether the Final Rejection responds to the arguments that applicants have made after final and in the instant petition. Specifically, it is noted that applicants failed to present any arguments for the patentability of then newly added claims 4-10 in their reply of July 25, 2008. Note that 37 CFR 1.111(b) requires that the reply must present arguments pointing out the specific distinctions believed to render the claims, including newly added claims, patentable over the applied reference(s). Since applicants' only comments directed toward claims 4-10 failed to point out any specific distinctions and merely constituted a general allegation that the claims defined a patentable invention, there is nothing for the examiner to address in his response to applicants' arguments.

With respect to claims 1-3, applicants' argued that the claim limitation for the material to be adjusted both laterally and angularly is not met by Harris. The examiner clearly responded to this on page 4 of the Final Rejection (see the third paragraph). The fact that applicants do not agree with the examiner's position is immaterial to the question of whether or not the examiner provided a response. Further, the correctness of this position is an appealable issue, not a petitionable issue, and therefore will not be addressed herein.

With respect to claim 2, applicants further argued that Fig. 5 of Harris does not illustrate a sleeve with openings at opposite ends thereof. It is not clear how one can look at Fig. 5 of Harris and come to the conclusion that no "sleeve with openings at opposite ends thereof" is shown. One need only read the part of the specification pertaining to Fig. 5 (see lines 61-80) to ascertain that flanges 8, 9 are a part of respective pipe sections that are interconnected together; the interconnected pipe sections constituting a "sleeve". Moreover, the examiner's interpretation with the applied prior art is clearly consistent with applicants' interpretation of their own invention as paragraph [0018] discloses that the "sleeve" comprises a series of interconnected members.

Further, though not explicitly shown in Fig. 5, the "openings at opposite ends" is clearly shown in Fig. 1. Figs. 1 and 5 are on the same, single, sheet of drawings. It is not unreasonable for the examiner to expect that applicants should be able to ascertain the presence of openings at opposite ends, especially since it is expected that applicants are able to read and understand the reference for themselves. See 37 CFR 1.104(c)(2) and note that the subject matter of both the instant invention and Harris is not complex.

However, with respect to claim 2, applicants argue that Fig. 5 does not illustrate first and second end caps attached to the ends of the sleeve. The examiner fails to address this argument, and such a feature is not evident from Fig. 5 or any other figure of Harris. Accordingly, the Final Rejection is incomplete in that the examiner did not take note of this argument and answer it. See MPEP 707.07(f).

In view of the fact that the argument regarding the first and second end caps was not addressed by the examiner and such feature is not readily apparent in the applied reference as advanced, the

Final Rejection of October 21, 2008 is hereby vacated. Applicants' amendment[2] filed December 1, 2008 will also be entered since the final rejection in question has been vacated. The application is being returned to the examiner for complete treatment of all issues presented by applicants' amendment of July 25, 2008 as well as any issues resulting from the response filed December 1, 2008.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Daniel P. Stodola at (571) 272-7087.

David J. Bagnell, Acting Director
Technology Center 3600
(571) 272-6999
Facsimile No.: (571) 273-8300

SNM/DS: 1/12/09

SM

[2] While the response is under the heading of "Amendment", no actual amendment has been presented. Rather, it appears that applicants' amendment is solely a request for reconsideration.

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

JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES CA 90067

MAILED

SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Stacy H. Fuchino	:	DECISION ON PETITION
Application No. 11/668,383	:	TO WITHDRAW
Filed: January 29, 2007	:	FROM RECORD
Attorney Docket No. 67362-5001	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed July 13, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Manali V. Dighe on behalf of all attorneys of record associated with Customer Number 24574. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Additionally, petitioner states "Applicant would like to abandon application". Currently, the above-identified application is considered abandoned as of April 27, 2009.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

MAILED

MAY 11 2010

OFFICE OF PETITIONS

In re Application of :
Kishore KUMAR, et al :
Application No. 11/668,399 : DECISION ON PETITION
Filed: January 29, 2007 : TO WITHDRAW
Attorney Docket No. TVLP001A : FROM RECORD

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 15, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved at this time because there is no clear indication that all of the acts noted above at items (1) - (3), have been completed. Please see the attached Form PTO/SB/83 – Request for Withdrawal as Attorney or Agent.

Further, 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 cannot be accepted because the address for future correspondence from the Office is not proper. In this regard, the change of address is not that of an assignee who has properly intervened under 37 CFR 3.71 nor is it the address of the first named inventor.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/83 – Request For Withdrawal as Attorney or Agent

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

Knobbe, Martens, Olson & Bear LLP
2040 Main Street
14th Floor
Irvine, CA 92614

Mail Date: 04/21/2010

Applicant	: Michael W. Halpin	: DECISION ON REQUEST FOR
Patent Number	: 7655093	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,409	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
LAWRENCE KATES :
Application No. 11/668,429 : DECISION ON PETITION
Filed: January 29, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **KATES.059A** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 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 statement by Lawrence Kates's, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

CROSSLEY PATENT LAW
236 South Third Street
#287
MONTROSE, CO 81401

COPY MAILED

SEP 22 2008

In re Application of :
Jimmy L. Lowery :
Application No. 11/668,432 : ON PETITION
Filed: January 29, 2007 :
Attorney Docket No. 06-09-06.3PA :

This is a decision in response to the petition, filed September 4, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is DISMISSED AS MOOT.

A review of the record discloses that the Notice of Allowance and Fee(s) Due and the Notice of Allowability were mailed June 3, 2008, setting a statutory period for reply of three (3) months. On July 7, 2008, the replacement drawings were filed, followed by the requisite issue fee on September 3, 2008. Thereafter, on September 4, 2008, the present petition was filed.

Since the drawings, issue fee and publication fees were timely filed on or before September 3, 2008, no abandonment existed. The petition under 37 CFR 1.137(b) and the Terminal Disclaimer filed September 4, 2008 are unnecessary. Accordingly, the $770 petition fee and $65 disclaimer fee are subject to refund.

Any request for refund of the petition fee noted above must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILSON ENTERPRISES
2333 BRIGHTON FARMS BLVD.
KNOXVILLE TN 37932

COPY MAILED
APR 20 2007
OFFICE OF PETITIONS

In re Application of :
CLARENCE LEROY GANTT :
Application No. 11/668,486 : DECISION ON PETITION
Filed: January 30, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **CG102.0** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 30, 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 evidence submitted with the instant petition is a copy of Clarence L. Gantt birth certificate indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3643 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

MAILED

JUN 10 2009

OFFICE OF PETITIONS

Applicant: Muppirala, et al.
Appl. No.: 11/668,493
Filing Date: January 30, 2007
Title: METHOD AND SYSTEM FOR DETERMINING DEVICE CRITICALITY IN A COMPUTER CONFIGURATION
Attorney Docket No.: 00002.132US1
Pub. No.: US 2008/0183659 A1
Pub. Date: July 31, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 6, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the inventors' names are 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 request for corrected publication, received on November 12, 2008, was not timely filed under 37 CFR 1.221(b).

The error noted by requestor regarding the inventorship is not an Office error. The patent application publication does not include a mistake regarding the failure to include some other inventorship, as the application was published with the inventors listed in the Declaration received on April 8, 2007.

---

[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's representative submitted a declaration received on April 8, 2007, which listed the five (5) inventors. Inventorship is set by the first-filed executed oath or declaration submitted by applicants. See 37 CFR 1.41(a)(1), 37 CFR 1.48 and MPEP 201.03.

Pursuant to 37 CFR 1.48(a), amendment of the inventorship requires: "(1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part; (3) An oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47; (4) the fee set forth in §1.17(i); and (5) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment."

The Declaration forms submitted by applicant on April 8, 2007 are improper because each Declaration does not include a complete listing of the inventors. When multiple Declarations are submitted, each Declaration must be complete and contain a complete listing of all the inventors. See MPEP 201.03(II)(B) and MPEP 605.04(a).

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 January 6, 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

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Hidetoshi Nishiyama	: DECISION ON REQUEST FOR
Patent Number	: 7601954	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,510	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **238** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/20/2010

Applicant	: Howard P. Hershey	: DECISION ON REQUEST FOR
Patent Number	: 7589257	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,514	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHRISTOPHER H. HUNTER
PARKER-HANFIN CORPORATION
6035 PARKLAND BOULEVARD
CLEVELAND OH 44124-4141

COPY MAILED

DEC 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Michael D. Clausen et al	:	
Application No. 11/668,528	:	DECISION GRANTING PETITION
Filed: January 30, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2802-135-096	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 14, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 27, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dorr, Carson & Birney, P.C.
One Cherry Center
502 South Cherry Street
Suite 800
Denver, CO 80246

COPY MAILED

DEC 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Olaf Vancura	:	
Application No. 11/668,563	:	DECISION ON PETITION
Filed: January 30, 2007	:	TO WITHDRAW
Attorney Docket No. 1482/360(a)	:	FROM RECORD
	:	

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, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, ***assignment to Olaf Vancura***, do not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Olaf Vancura**
3003 Red Arrow Drive
Las Vegas, NV 89135

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/7/09

TO SPE OF : ART UNIT 2183

SUBJECT : Request for Certificate of Correction for Appl. No.: 11668582 Patent No.: 7487332 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Director/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

/Eric Coleman/ (Primary Examiner) for Eddie Chan SPE Art Unit 2183
SPE Art Unit

PAGE 2/2 * RCVD AT 5/11/2009 3:23:33 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/37 * DNIS:2709990 * CSID:703 308 4084 * DURATION (mm-ss):01-18

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

GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Andrew Stephen Van Luchene	:	
Application No. 11/668,586	:	DECISION ON PETITION
Filed: January 30, 2007	:	TO WITHDRAW
Attorney Docket No. 3303101	:	FROM RECORD
	:	

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 and supplemented April 26, 2010.

The request is **APPROVED**.

The request was signed by Ellen Gonzales on behalf of the practitioners of record associated with Customer Number 52297.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Andrew Van Luchene at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl #205a
Santa Fe, NM 87505

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/668,586	01/30/2007	Andrew Stephen Van Luchene	3303101

CONFIRMATION NO. 4114

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

POWER OF ATTORNEY NOTICE

OC000000041801892

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/668,586	01/30/2007	Andrew Stephen Van Luchene	3303101

CONFIRMATION NO. 4114

Andrew Van Luchene
1012 Marquez Pl #205a
Santa Fe, NM 87505

POA ACCEPTANCE LETTER

OC0000000041801900

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

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

GONZALES PATENT SERVICES
4605 CONGRESS AVE, NW
ALBUQUERQUE, NM 87114

MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Andrew Stephen Van Luchene :
Application No. 11/668,596 : DECISION ON PETITION
Filed: January 30, 2007 : TO WITHDRAW
Attorney Docket No. 3303102 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 5, 2009.

The request is **APPROVED**.

The request was signed by Ellen Gonzales on behalf of the practitioners of record associated with Customer Number 55297.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Andrew Stephen Van Luchene at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/668,596	01/30/2007	Andrew Stephen Van Luchene	3303102

CONFIRMATION NO. 4135

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

POWER OF ATTORNEY NOTICE

OC000000039091459

Date Mailed: 12/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/668,596	01/30/2007	Andrew Stephen Van Luchene	3303102

CONFIRMATION NO. 4135

Andrew Van Luchene
1012 Marquez Pl #205a
Santa Fe, NM 87505

POA ACCEPTANCE LETTER

OC000000039091515

Date Mailed: 12/07/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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

RICHARD J. WARBURG
FOLEY & LARDNER LLP
SUITE 200
11250 EL CAMINO REAL
SAN DIEGO CA 92130

COPY MAILED

MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
UKE, Alan et al. :
Application No. 11/668,605 : DECISION ON PETITION
Filed: January 30, 2007 : TO WITHDRAW
Attorney Docket No. **023727-2303** : FROM RECORD
:

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 12, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on September 12, 2007.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **UNDERWATER KINETICS, INC.**
13400 DANIELSON STREET
POWAY, CA 92064

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

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

COPY MAILED

MAR 12 2008

OFFICE OF PETITIONS

In re Application of :
MENTZER, Mark A. et al. :
Application No. 11/668,624 : DECISION ON PETITION
Filed: January30, 2007 : TO WITHDRAW
Attorney Docket No. **034328R006** : FROM RECORD
:

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 06, 2007.

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 WOODCOCK WASHBURN LLP has been revoked by the assignee of the patent application on January 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **SMITH, GAMBRELL & RUSSELL**
1130 CONNECTICUT AVENUE, N.W.
SUITE 1130
WASHINGTON DC 20036

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 5 - 2007

March 2, 2007

Technology Center 2100

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of:
Ludwig, ET AL.
Serial No.: 11/668,625
Filed: January 30, 2007
Docket: 063330-5032-US
Title: STORING AND ACCESSING MEDIA FILES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on 1/30/07 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I to II.5.1, II.5.3, II.6.2, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2, II.6.1, II.6.3, II.6.4 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5, 5.1 and 5.2 above, the petition does not include a sufficient preexamination search because the search is not directed to the claimed invention and does not encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

Specifically in the USPTO EAST search in section (A)(I)(1), the search does not include the relevant search terms for claimed features such as "local network", "media file", "video" , "playback" , "pause", "fast forward", "reverse", "simultaneously access", of claim 1; "frame-number" or "time-code" of claim 2; "wide area network" of claim 3; "wireless" of claim 8 and "tagged data" of claim 11. It is noted that some of these features have been identified as patentable distinctions between the claimed invention and the references deemed most closely related to the claimed invention in the Examination Support Document filed with the petition. In addition, the Petitioner should also include related words or phrase such as plurals and synonyms to the above search terms. For example, the search term "wide area network" may be covered with the acronym "WAN". Applicant is advised to review all claim limitations to ensure that the preexamination search covers all claimed features, and update search and/or provide clarification as deemed necessary.

With respect to the DIALOG search in section (A)(I)(2), this search contains deficiencies similar to those pointed out in connection with EAST search above. An update search and/or clarification is required.

With respect to the DELPHION search, this search contains deficiencies similar to those pointed out in connection with the EAST search above, except for the term "wireless", which appears to have been used in the search query.

With respect to the "Searches by Global Prior Art Inc.", it is unclear whether search logic was used to search the magazines, journals, symposiums, books and conference proceeding records or that they were searched in their entirety. Clarification is required. As per the INSPEC/COMPENDEX database search, the Petitioner has not included the search logic or sequence used as a query, as required by II.5 above when searching a database.

With respect to the non-patent literature search which was performed by the USPTO in a related case (pages 15 and 16 of the statement of preexamination search) it is unclear whether applicant wishes to use the USPTO search to fulfill the requirements of section (II)5.2 above. Clarification is required.

It is noted that the recordation of the USPTO commercial database search does not include relevant search terms such as outlined in the deficiencies of the USPTO

[1] MPEP 8th ed. rev 5 August 2006

EAST search in combination with the related words or phrases, apparently since the subject matter claimed in 10/722,051 is substantially different from that claimed in the instant application. Further it is unclear why the references relied upon by the examiner of 10/722,051 (subsequently cited in 10/721,385 and 10/721,343 by the examiner) were deemed not to be closely related to the instant invention, while the search conducted by USPTO was apparently deemed to be relevant to the subject matter of the claimed invention in the instant application. The fact that upon reviewing the USPTO search applicant has found all references relied upon by the examiner therein not to be relevant to the claimed subject matter in the instant application, appears to serve as further evidence that the USPTO search is not directed to the invention claimed in this application and thus does not comply with the requirement of section (II) 5.2 above. Clarification is requested.

Also, on page 6 of the Pre-examination Search Document, the Petitioner makes the statement "The results of the searches were reviewed". However, it is not clear who reviewed the search. It is unclear whether this statement is intended to indicate that applicant has duplicated the examiner's classified search and the non patent literature search, and has reviewed all documents found as a result thereof, since the recordation of examiner's search does not appear to readily identify any documents for review, only indicates the number of documents meeting the search criteria at best. Clarification is required.

The Petitioner has cited 10/721,051 and 10/741,385 as being relevant to current application, however the above application numbers are not correct. They should be 10/722,051 and 10/721,385 respectively.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(4) and item 6.4 above, the statement of utility appears to repeat the subject matter of claims 1 and 11. Petitioner is reminded that a ***concise*** statement of utility is required for the invention defined in each of the independent claims.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above, the petitioner's "Statement of Patentability" (pages 29-31 of the support document) is not clear and consistent as to how each of the claims is patentable over the references cited.

Specifically, petitioner's statement in section A) of APPENDIX C that no novelty destroying references have been located in the various searches that have been conducted, while in APPENDIX B, petitioner appears to indicate that at least each of the Palmer reference teaches all of the limitations in claims 1, 4 and 10, and at least the Rangan reference teaches all limitations in claim 1, which would render the Palmer and Rangan references "novelty destroying" for at least these claims. Clarification is required.

With respect to the statement of section B. of APPENDIX C, petitioner only appears to provide reasons why it would not have been obvious to combine all three references, and does not provide any explanation why it would not have been obvious to combine any two of the three references, such as Palmer and Rangan, or Ahuja and Palmer. Petitioner refers to a "primary reference" and a "secondary reference" without specifically identifying any of the references cited in the IDS . In addition, petitioner

refers to a "Hassler" reference on page 31 of the support document, which is not cited in the IDS, nor discussed anywhere in the Examination Support Document. If petitioner believes that the Hassler reference is closely related to the claimed subject matter, this reference should be listed on the IDS in accordance with 37 CFR 1.98, and discussed in the support document in accordance with the requirements of sections 6.1-6.3 above.

Petitioner is requested to clearly point out claim limitations not taught by any of the references and limitations, which patentably distinguish ***each*** claim over the references cited.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the petition does not include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; **if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists.** The instant application claims the benefit of one or more applications under title 35, United States Code 120 to the following applications: 11/265,059; 09/702,737; 08/994,848; 08/660461 and 08/131,523 and must include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification for each of these applications. The Petitioner's statement that the applications are identical in substance to the current application is not sufficient. Section (II) 6.5 above requires that petitioner must include a showing ***where*** each limitation of the claims find support in each such application in which such supports exist. The Petitioner should review the applications based on which priority is claimed, point out any differences and show the exact locations (e.g. page no. or paragraph no.) within the specification of ***each such document*** providing support under 35 USC, first paragraph ***for each limitation*** of the instant claims.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki, at (571) 272-3719.

Kakali Chaki
WQAS Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 30 2007

Technology Center 2100

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of:
Ludwig, ET AL.
Serial No.: 11/668,625
Filed: January 30, 2007
Docket: 063330-5032-US
Title: STORING AND ACCESSING MEDIA FILES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on April 5, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on January 30, 2007 was dismissed in the decision mailed on March 5, 2007.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

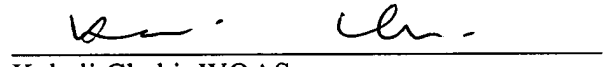
On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki at (571) 272-3719.



Kakali Chaki, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security

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

Rodney T. Hodgson, Ph.D.
822 Pinesbridge Rd
Ossining NY 34113

COPY MAILED
MAR 16 2010

In re Application of :
Siegfried Blumel et al. :
Application No. 11/668,629 : DECISION ON PETITION
Filed: January 30, 2007 :
Attorney Docket No. **906-005 (TG181 US)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 31, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 1, 2009

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
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

MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

Mail Date: 04/21/2010

Applicant	: Eric Pitchford	: DECISION ON REQUEST FOR
Patent Number	: 7600998	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,668	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

CST

3-9-07

In re application of
William G. Barrett Jr.
Serial No. 11/668,677
Filed: January 30, 2007
For: COMPOSITION AND METHOD OF PUMPING CONCRETE

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on January 30, 2007 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4) are considered to have been met. However, the petition fails to comply with condition II, subsections 5 and 6.

First, it appears that the search is incomplete. Note that a search in Class 366/Subclasses 3 and 6, Class 508/Subclass 471 and Class 141 is also required. Also, if the "outside form" of claim 11 is considered to be a mold, a search in Class 264/Subclass would also be required.

On page 3 of the Accelerated Examination Support Document, applicant refers to US patent 5,120,367 to Montgomery, however on the IDS, patentee is referred to as Smith et al. To avoid any confusion, clarification is required.

Furthermore, the statement showing support for the present claims on page 20 of the Accelerated Examination Support Document is not sufficient. It is required that petitioner provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. For example, the explanation on page 20 simply lists each claim (not each limitation of the claims) followed by the location in the specification where support can be found for each claim. Again, it is required that petitioner show where each and every limitation of each claim finds support in the written description of the specification. Similarly, as the present application claims priority to application 11/466,243 and provisional application 60/710,386, petitioner is required to show where each limitation of each of the claims finds support under 35 USC 112, first paragraph in these applications.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However,

due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

5-4-07

In re application of
William G. Barrett Jr.
Serial No. 11/668,677
Filed: January 30, 2007
For: COMPOSITION FOR AND METHOD OF PUMPING CONCRETE

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the REQUEST FOR RECONSIDERATION OF DECISION FOR ACCELERATED EXAMINATION filed on April 5, 2007 to make the above-identified application special for accelerated procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Piotr Szulczewski	: DECISION ON REQUEST FOR
Patent Number	: 7657514	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,719	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **306** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

TOMAS FRIEND, LLC
904 BOB WALLACE AVENUE
SUITE 228
HUNTSVILLE, AL 35801

COPY MAILED

FEB 11 2008

OFFICE OF PETITIONS

In re Application of :
Aleksey V. Vasenkov :
Application No. 11/668,741 : DECISION ON PETITION
Filed: January 30, 2007 : TO WITHDRAW
Attorney Docket No. CFDRCpls001 : FROM RECORD
:

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 5, 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 Tomas Friend on behalf of all attorneys of record who are associated with customer No. 53371.

All attorneys/agents associated with the Customer Number 53371 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ALEKSEY V. VASENKOV
612 GRAYCROFT DRIVE
HUNTSVILLE, AL 35802

cc: CFD RESEARCH CORPORATION
215 WYNN DRIVE
SUITE 501
HUNTSVILLE, AL 35805

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/668,741	01/30/2007	Aleksey V. Vasenkov	CFDRCpls001

CONFIRMATION NO. 4343

POWER OF ATTORNEY NOTICE

53371
TOMAS FRIEND, LLC
904 BOB WALLACE AVENUE
SUITE 228
HUNTSVILLE, AL 35801

OC000000028229558

Date Mailed: 02/11/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/05/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Maria E. Orlowska	: DECISION ON REQUEST FOR
Patent Number	: 7664762	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,766	: OF WYETH
Filed	: 01/30/2007	:
		:

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

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

Silicon Valley Patent Group LLP
Attn: SYNOPSYS
18805 Cox Avenue
Suite 220
Saratoga, CA 95070

Mail Date: 04/21/2010

Applicant	: Tsu-Jae King Liu	: DECISION ON REQUEST FOR
Patent Number	: 7605449	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,786	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **304** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

Patent No. : 7,674,195 B2
Ser. No. : 11/668,797
Inventor(s) : Romcevich
Issued : Mar. 9, 2010
Title : MOTIVATIONAL BASEBALL GLOVE
Docket No. : ROMCE-01001
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. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **756-1542** or (703) 756-1814

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

HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO CA 92122

COPY MAILED

NOV 10 2008

OFFICE OF PETITIONS

In re Application of
DING, James S.
Application No. 11/668,817
Filed: January 30, 2007
Attorney Docket No. **39222-0008**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 16, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Richard W. Thill does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **WINSTEAD PC**
P.O. BOX 50784
DALLAS, TX 75201

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

RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY NY 11560

COPY MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of :
CHRISTI KAY MADSEN :
Application No. 11/668,841 : DECISION ON PETITION
Filed: 01/30/2007 :
Attorney Docket No. Madsen 34 :

This is decision on the petition under 37 CFR 1.181, filed December 11, 2008, to withdraw the holding of abandonment.

On April 16, 2008, the Office mailed a Restriction Requirement, which set a period of one month or thirty days, whichever was longer, to reply. Extensions of time for response were available. In the absence of a timely filed response, the application became abandoned on May 17, 2008. On October 30, 2008, the Office mailed a Notice of Abandonment. On December 11, 2008, petitioners filed the present petition.

Petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the Restriction Requirement. In his Statement of Facts, Joseph B. Ryan explains:

> 1. I am a partner in the law firm of Ryan, Mason & Lewis, LLP, having an address at 90 Forest Avenue, Locust Valley, New York 11560, and I am responsible for ongoing prosecution of the above-identified patent application.
>
> 2. I filed the present application on January 30, 2007, as a divisional of parent application Serial No. 10/458,440. In filing the present application, I associated the present application with customer number 46,304, which has as its mailing address the address given in paragraph 1 above.
>
> 3. The correspondence address in the parent application was successfully changed to the address given in paragraph 1 above in a Change of Correspondence Address that I filed on May 3, 2004. Prior to this change, the correspondence address was:

Glen E. Books, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068

This previous address was specified in the Declaration and Power of Attorney document filed August 25, 2003 in the parent application.

4. Responsive to the May 3, 2004 Change of Correspondence Address, all subsequent communications from the USPTO in the parent application were directed to the mailing address given in paragraph 1 above.

5. In filing the present application, which as indicated above was a divisional of the parent application, I submitted a copy of the above-mentioned Declaration and Power of Attorney from the parent application.

6. The USPTO apparently took the old mailing address from the parent application Declaration and Power of Attorney and associated that old address with the present application, even though as noted in paragraph 2 above I had associated the present application with customer number 46,304, which has a different mailing address, namely, the one given in paragraph 1 above. Also, as indicated in paragraph 3 above, the mailing address in the parent application had been successfully changed from the old address to the address given in paragraph 1 above.

7. On November 14, 2008, I first received a copy of a Notice of Abandonment mailed October 30, 2008, in the present application. The copy I received is attached hereto as Exhibit 1. The copy was sent to me via email by Michelle M. Rutter, a legal assistant at Alcatel-Lucent. The Notice of Abandonment had been mailed to the old address given in paragraph 3 above. Alcatel- Lucent had received the Notice of Abandonment via email on November 13, 2008 from Glen E. Books, who had received it on or about November 3, 2008 from the USPTO. The Notice of Abandonment was issued due to failure to respond to an Office Action mailed April 16, 2008.

Petition dated 12/18/08, pp. 1-2.

The Office notes: "Where the power of attorney or correspondence address was changed during the prosecution of the prior application, the change in power of attorney or correspondence address must be identified in the continuation or divisional application." 37 CFR 1.63(d)(4). "Otherwise, the Office may not recognize in the continuation or divisional application the change of power of attorney or correspondence address during the prosecution of the prior application." Id.

As stated in MPEP 601.03:

> The correspondence address must either be **in an application data sheet (37 CFR 1.76) or in a clearly identifiable manner elsewhere in any papers submitted with the application filing.**
>
> ...
>
> Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4).
>
> ...
>
> The required notification of change of correspondence address need take no particular form. However, it should be provided in a manner calling attention to the fact that a change of address is being made. Thus, the mere inclusion, in a paper being filed for another purpose, of an address which is different from the previously provided correspondence address, without mention of the fact that an address change is being made would not ordinarily be recognized or deemed as instructions to change the correspondence address on the file record.

In this instance, applicant asserts that he changed the correspondence address in the prior application to the address related to customer number 46,304 on May 3, 2004. Additionally, applicant avers that he associated the present application with customer number 46,304. Nevertheless, in the present divisional application, applicant submitted a copy of the Declaration and Power of Attorney from the parent application with the application papers on filing. As the correspondence address was clearly identified in the declaration on filing, the Office used that correspondence address as the address of record. Unfortunately, the association of the present application with customer number 46, 304, absent **an ADS or any other paper filed in the divisional application** designating the customer number as the correspondence address, is not a clearly identifiable manner in which to effectuate the change of correspondence to the customer number in the divisional application. Therefore, applicant's association of customer number did not meet the requirements of a proper notification of change of correspondence address. Therefore, withdrawal of the holding of abandonment is not warranted as the Office as the correctly used the correspondence address indicated in the declaration on filing pursuant to MPEP 601.03. The Office appropriately mailed the application to the address indicated in the declaration.

The petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision. 37 CFR 1.181(f). Applicant may wish to file a petition under 37 CFR 1.137(b) to revive the application.

Applicant has made a clear request on petition to change the correspondence address in the present divisional application to the address associated with customer number 46,304. Therefore, the Office has updated the correspondence address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petition

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence regarding this decision may also be filed through the Electronic Filing System of the USPTO.

Telephone inquiries related 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

Conferee: Anthony Knight, Supervisor

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

RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY NY 11560

MAILED

SEP 08 2009

OFFICE OF PETITIONS

In re Application of
Christi Kay Madsen
Application No. 11/668,841
Filed: January 30, 2007
Attorney Docket No. Madsen 34

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed April 16, 2008, which set a shortened statutory period for reply of one(1) month or thirty(30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Response to Restriction Requirement, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3213.

This application is being referred to Technology Center AU 2877 for appropriate action by the Examiner in the normal course of business on the reply received May 15, 2009.

Cheryl Gibson-Baylor
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

SAWYER LAW GROUP LLP
2465 E. Bayshore Road, Suite No. 406
PALO ALTO CA 94303

COPY MAILED

SEP 0 4 2008

OFFICE OF PETITIONS

In re Application of
Zhang et al.
Application No.11/668,846
Filed: January 30, 2007
Attorney Docket No. 4114P

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b) filed July 1, 2008 to revive the above-identified application.

This petition is hereby **Dismissed.**

Any request for reconsideration must be submitted within TWO (2) Months from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". This is **not** a final agency action within the meaning of 5 U.S.C. §704.

This above-identified application became abandoned for failure to file a response to a Notice of Omitted Items which was mailed on October 2, 2007. The Notice of Omitted Items set a two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on December 3, 2007. A Notice of Abandonment was mailed on July 1, 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(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(C) and (D).

The instant petition lacks item (1). Petitioner has failed to provide a proper reply to the Notice of Omitted Parts. Although petitioner has provided a copy of a page of figures which includes figures 5G, 5H and 6, petitioner has failed to meet the requirements of the Notice of Omitted Parts. The Notice provided applicants with three manners in which to respond to

the Notice: I Petition for Date of Deposit, II. Petition for later filing date or III. Acceptance of application as deposited. Petitioner has not stated which option is being elected. Any option which is elected required more than the submission of the drawing that was omitted.

On renewed petition, petitioner is required to clearly indicate which option provided in the Notice of Omitted items is being selected and provide the additional documents as required (eg. supplemental oath or declaration, substitute specification, postcard receipt etc).

Pursuant to petitioner's request, deposit account no. 02-2120 will be assessed the $105.00 additional claim fees as required.

Further Correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By 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 matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SAWYER LAW GROUP LLP
2465 E. Bayshore Road, Suite No. 406
PALO ALTO CA 94303

COPY MAILED
DEC 18 2008

In re Application of
Zhang et al.
Application No.11/668,846
Filed: January 30, 2007
Attorney Docket No. 4114P

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b) filed November 4, 2008 to revive the above-identified application.

This above-identified application became abandoned for failure to file a response to a Notice of Omitted Items which was mailed on October 2, 2007. The Notice of Omitted Items set a two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on December 3, 2007. A Notice of Abandonment was mailed on July 1, 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(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(C) and (D).

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

This application is being referred to the Office of Patent Application Processing for pre-examination processing and 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

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

AT&T LEGAL DEPARTMENT - WK
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

MAILED

AUG 10 2009

OFFICE OF PETITIONS

In re Application of :
AARON, Jeffrey :
Application No. 11/668,848 : DECISION ON PETITION
Filed: January 30, 2007 : TO WITHDRAW
Attorney Docket No. **20009.0289US01/BS060211** : FROM RECORD

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 07, 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 Jeramie Keys on behalf of all attorneys of record who are associated with customer No. 45695. All attorneys/agents associated with the Customer Number 45695 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 Jeffrey Aaron at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JERAMIE J. KEYS**
4109 CANDLER COURT
ATLANTA GA 30319

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.
11/668,858	01/30/2007	Shigetoshi HIRAI	302789US2	4539

7590 02/24/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
NGUYEN, HOA T

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
02/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 02/23/2009 BPOWELL
01/31/2007 INTEFSW 00000481 11668858
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

Refund Ref:
02/23/2009 0030066937

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

FORM PET651G (Rev. 08/07)

Adjustment date: 02/23/2009 BPOWELL
01/31/2007 INTEFSW 00000481 11668858
02 FC:1111   -500.00 OP
04 FC:1201   -200.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BORDEN LADNER GERVAIS LLP
ANNE KINSMAN
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA ON K1P 1J9 CA CANADA

COPY MAILED

AUG 29 2008

In re Application of :
Huy Tuong Mai :
Application No. 11/668,862 : ON PETITION
Filed: January 30, 2007 :
Attorney Docket No. PAT 3819-2

This is a decision on the petition, filed August 27, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 18, 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 2816 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

0 7 DEC 2007

SENNINGER POWERS
ONE METROPOLITAN SQUARE
16th FLOOR
ST LOUIS, MO 63102

In re Application of: TUCK, et al.
U.S. Application No.: 11/668,884
Filing Date: 30 January 2007
Atty Docket No.: KPT 1103 (GHS/P505851US)
For: PROCESS

DECISION

This decision is issued in response to the "Petition For Review Of A Notice Regarding Benefit/Priority Claim Under 37 CFR 1.181" filed 13 September 2007, treated as a petition under 37 CFR 1.181 to have the present application treated as a U.S. national stage application filed under 35 U.S.C. 371. No petition fee is required.

BACKGROUND

On 30 June 2006, applicants filed international application PCT/GB2006/050181. The international application claimed an earlier priority date of 15 July 2005, and it designated the United States. On 25 January 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 is thirty months from the priority date, i.e., 15 January 2008.

On 30 January 2007, applicants initiated the present application by filing electronically a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 U.S.C. 371" (Form PTO-1390) requesting entry into the U.S. national stage for international application PCT/GB2006/050181. The Transmittal Letter was accompanied by, among other materials, an Application Data Sheet (ADS), a Preliminary Amendment, and a $1000 fee payment.

During the electronic filing process, applicants identified the present application as a "Utility" application filed under 35 U.S.C. 111(a), rather than a national stage application filed under 35 U.S.C. 371. Accordingly, the application was processed by the USPTO as a filing under 35 U.S.C. 111(a).

On 20 February 2007, the USPTO mailed a filing receipt and a "Notice Regarding Benefit/Priority Claim(s)" indicating that applicants had improperly identified a prior-filed application as a U.S. national stage application.

On 02 July 2007, the USPTO mailed a "Notice of Allowance And Fee(s) Dues" (Form PTOL-85) and a "Notice of Allowability" (Form PTOL-37).

On 13 September 2007, applicants filed the petition considered herein. The petition asserts that the present application is a U.S. national stage application and requests correction of USPTO records accordingly.

On 02 October 2007, applicants submitted payment of the Issue and Publication fees, as well as a "Second Amendment Under Rule 1.312" and a revised ADS. The Amendment and ADS seek to add a reference indicating that the present application is a continuation of international application PCT/GB2006/050181.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

In addition, section 1893.03(a) of the MPEP states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The Form PTO-1390 Transmittal Letter electronically filed by applicant on 30 January 2007 clearly identified the application as a national stage filing under 35 U.S.C. 371. In addition, the ADS included with applicants' 30 January 2007 submission identified the application as a national stage under 35 U.S.C. 371 of PCT/GB2006/050181. However, during the electronic filing process, applicants mistakenly selected the application identifier "Utility (Utility under 35 USC 111(a))," rather than the separate application identifier specifically applicable to national stage applications filed under 35 U.S.C. 371. This is evident from the Electronic Acknowledgement Receipt generated at the time of filing, which identifies the application as a "Utility" application rather than a U.S. national stage application filed under 35 U.S.C 371.

Applicants' identification of the application during the electronic filing process as a utility application filed under 35 U.S.C. 111(a) is a conflicting instruction that is not consistent with the intent to file a U.S. national stage application under 35 U.S.C. 371. Accordingly, the present application is properly treated by the USPTO as a filing under 35 U.S.C. 111(a). Applicants' request to have the application treated as a filing under 35 U.S.C. 371 is therefore appropriately dismissed.

The present petition also requests that the USPTO obtain a certified copy of the foreign priority application (United Kingdom 0514593.3) from the IB pursuant to MPEP section 1893.03(c)(II). However, such procedure only applies in U.S. national stage applications filed under 35 U.S.C. 371. Because the present application is not a U.S. application filed under 35 U.S.C. 371, applicant is required to timely file a certified copy of the foreign priority document in order to perfect their foreign priority claim (see 37 CFR 1.55(a)(2)).

CONCLUSION

The petition under 37 CFR 1.181 to have the present application treated as a U.S. national stage filed under 35 U.S.C. 371 is **DISMISSED** without prejudice.

The present application is a U.S. application filed under 35 U.S.C. 111(a).

The "Second Amendment Under Rule 1.312" and revised ADS filed 02 October 2007 will be considered separately in the Group Art Unit.

Richard M. Ross
Attorney Advisor
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 30, 2008

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/668884 Patent No.: 7355083 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Please note that the correction is required because the wrong set of claims of published. The office should have published the claims as amended on 1/30/2007.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Yvonne Eyler/ Yvonne Eyler, SPE AU 1621

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

MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

Mail Date: 04/20/2010

Applicant	: Susan Rea	: DECISION ON REQUEST FOR
Patent Number	: 7575593	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,907	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: 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.

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

MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

Mail Date: 05/17/2010

Applicant : Susan Rea
Patent Number : 7575593
Issue Date : 08/18/2009
Application No: 11/668,907
Filed : 01/30/2007

: 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 **255** 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

COPY MAILED

OCT 1 1 2007

OFFICE OF PETITIONS

In re Application of :
Gabriel K. Wong et al. :
Application No. 11/668,922 : DECISION ON PETITION
Filed: January 30, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. DGCM-01015US0 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 11, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant Gabriel K. Wong declaring that he/she 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 2617 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

MAY 2 2 2008

OFFICE OF PETITIONS

Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

In re Application of :
Bert Zauderer :
Application No. 11/668,929 : DECISION ON PETITION
Filed: January 30, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. P31321 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 30, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1793 for action on the merits commensurate with this decision.

Kimberly Inabinet
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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Larry Y. L. Mo	: DECISION ON REQUEST FOR
Patent Number	: 7596363	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/668,943	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **44** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 05/18/2010

Applicant : Larry Y. L. Mo
Patent Number : 7596363
Issue Date : 09/29/2009
Application No: 11/668,943
Filed : 01/30/2007

: 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 **135** 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

COPY MAILED

OCT 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Jay S. Walker, et al.	:	
Application No. 11/668,967	:	DECISION GRANTING PETITION
Filed: January 30, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 98-007-CI	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 27, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 25, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 3621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Frances M. Hicks
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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

SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/24/2010

Applicant	: Alain Vergnes	: DECISION ON REQUEST FOR
Patent Number	: 7669072	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/668,978	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **580** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 5 - 2007

Technology Center 2100

March 2, 2007

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of:
Ludwig, ET AL.
Serial No.: 11/669,003
Filed: January 30, 2007
Docket: 063330-5033-US
Title: STORAGE AND PLAYBACK OF MEDIA FILES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on 1/30/07 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I to II.5.1, II.5.3, II.6.2, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2, II.6.1, II.6.3, II.6.4 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5, 5.1 and 5.2 above, the petition does not include a sufficient preexamination search because the search is not directed to the claimed invention and does not encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

Specifically in the USPTO EAST search in section (A)(I)(1), the search does not include the relevant search terms for claimed features such as "wide area network", "local network", "media file", "video" , "playback" of claim 1; "pause", "fast forward", "reverse", "fast reverse" of claim 2; "frame-number" or "time-code" of claim 3 "simultaneous multiple access", and "multiple playbacks" of claim 5; "wireless" in claim 7. It is noted that some of these features have been identified as patentable distinctions between the claimed invention and the references deemed most closely related to the claimed invention in the Examination Support Document filed with the petition. In addition, the Petitioner should also include related words or phrase such as plurals and synonyms to the above search terms. For example, the search term "wide area network" may be covered with the acronym "WAN". Applicant is advised to review all claim limitations to ensure that the preexamination search covers all claimed features, and update search and/or provide clarification as deemed necessary.

With respect to the DIALOG search in section (A)(I)(2), this search contains deficiencies similar to those pointed out in connection with EAST search above. An update search and/or clarification is required.

With respect to the DELPHION search, this search contains deficiencies similar to those pointed out in connection with the EAST search above, except for the term "wireless", which appears to have been used in the search query.

With respect to the "Searches by Global Prior Art Inc.", it is unclear whether search logic was used to search the magazines, journals, symposiums, books and conference proceeding records or that they were searched in their entirety. Clarification is required. As per the INSPEC/COMPENDEX database search, the Petitioner has not included the search logic or sequence used as a query, as required by II.5 above when searching a database.

With respect to the non-patent literature search which was performed by the USPTO in a related case (pages 15 and 16 of the statement of preexamination search) it is unclear whether applicant wishes to use the USPTO search to fulfill the requirements of section (II) 5.2 above. Clarification is required.

It is noted that the recordation of the USPTO commercial database search does not include relevant search terms such as outlined in the deficiencies of the USPTO

[1] MPEP 8th ed. rev 5 August 2006

EAST search in combination with the related words or phrases, apparently since the subject matter claimed in 10/722,051 is substantially different from that claimed in the instant application. Further it is unclear why the references relied upon by the examiner of 10/722,051 (subsequently cited in 10/721,385 and 10/721,343 by the examiner) were deemed not to be closely related to the instant invention, while the search conducted by USPTO was apparently deemed to be relevant to the subject matter of the claimed invention in the instant application. The fact that upon reviewing the USPTO search applicant has found all references relied upon by the examiner therein not to be relevant to the claimed subject matter in the instant application, appears to serve as further evidence that the USPTO search is not directed to the invention claimed in this application and thus does not comply with the requirement of section (II) 5.2 above. Clarification is requested.

Also, on page 6 of the Pre-examination Search Document, the Petitioner makes the statement "The results of the searches were reviewed". However, it is not clear who reviewed the search. It is unclear whether this statement is intended to indicate that applicant has duplicated the examiner's classified search and the non patent literature search, and has reviewed all documents found as a result thereof, since the recordation of examiner's search does not appear to readily identify any documents for review, only indicates the number of documents meeting the search criteria at best. Clarification is required.

The Petitioner has cited 10/721,051 and 10/741,385 as being relevant to current application, however the above application numbers are not correct. They should be 10/722,051 and 10/721,385 respectively.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(4) and item 6.4 above, the statement of utility appears to repeat the subject matter of claims 1 and 12. Petitioner is reminded that a ***concise*** statement of utility is required for the invention defined in each of the independent claims.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above, the petitioner's "Statement of Patentability" (pages 25-27 of the support document) is not clear and consistent as to how each of the claims is patentable over the references cited.

Specifically, petitioner's statement in section A) of APPENDIX C that none of the references teach the limitation "enable a user of the first client device to communicate with a wide area network " as recited in claims 1 and 12, while in APPENDIX B, petitioner appears to indicate that at least each of the Palmer and Rangan references teaches all of the limitations in claims 1, 2 and 8. Clarification is required.

With respect to the statement of section B. of APPENDIX C, petitioner only appears to provide reasons why it would not have been obvious to combine all three references, and does not provide any explanation why it would not have been obvious to combine any two of the three references, such as Palmer and Rangan, or Ahuja and Palmer. Petitioner refers to a "primary reference" and a "secondary reference" without specifically identifying any of the references cited in the IDS . In addition, petitioner refers to a "Hassler" reference on page 27 of the support document, which is not cited in

the IDS, nor discussed anywhere in the Examination Support Document. If petitioner believes that the Hassler reference is closely related to the claimed subject matter, this reference should be listed on the IDS in accordance with 37 CFR 1.98, and discussed in the support document in accordance with the requirements of sections 6.1-6.3 above.

Petitioner is requested to clearly point out claim limitations not taught by any of the references and limitations, which patentably distinguish ***each*** claim over the references cited.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the petition does not include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; **if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists.** The instant application claims the benefit of one or more applications under title 35, United States Code 120 to the following applications: 11/265,059; 09/702,737; 08/994,848; 08/660461 and 08/131,523 and must include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification for each of these applications. The Petitioner's statement that the applications are identical in substance to the current application is not sufficient. Section (II) 6.5 above requires that petitioner must include a showing ***where*** each limitation of the claims find support in each such application in which such supports exist. The Petitioner should review the applications based on which priority is claimed, point out any differences and show the exact locations (e.g. page no. or paragraph no.) within the specification of ***each such document*** providing support under 35 USC, first paragraph ***for each limitation*** of the instant claims.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki, at (571) 272-3719.

Kakali Chaki
WQAS Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 30 2007

Technology Center 2100

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of:
Ludwig, ET AL.
Serial No.: 11/669,003
Filed: January 30, 2007
Docket: 063330-5033-US
Title: STORAGE AND PLAYBACK OF MEDIA FILES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on April 5, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on January 30, 2007 was dismissed in the decision mailed on March 5, 2007.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki at (571) 272-3719.

Kakali Chaki, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security

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

N. KENNETH BURRASTON
KIRTON & MCCONKIE
P.O. BOX 45120
SALT LAKE CITY UT 84145-0120

MAILED

MAY 29 2009

OFFICE OF PETITIONS

In re Application of :
GRUBE et al. :
Application No. 11/669,010 : DECISION ON PETITION
Filed: 01/30/2007 :
Attorney Docket No. P131C1C1-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to file a timely reply to the nonfinal Office action mailed May 27, 2008. The nonfinal Office action set a three-month shortened statutory period to reply. No proper extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is August 28, 2008. The Office mailed a Notice of Abandonment on December 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee; and (3) a proper statement of unintentional delay.

Pursuant to 37 CFR 1.136, a request for an extension of time must be filed before the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, the $1,110.00 extension of time fee will be credited to petitioner's credit card.

This application is being referred to Technology Center AU 2829 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

Mail Date: 04/21/2010

Applicant	: David A. Humphreys	: DECISION ON REQUEST FOR
Patent Number	: 7656963	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,027	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **165** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 05/05/2010

Applicant	: Ramsey M. Stevens	: DECISION ON REQUEST FOR
Patent Number	: 7601650	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/669,037	: OF WYETH
Filed	: 01/30/2007	:
		:

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

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

ROCKWELL AUTOMATION
for Turocy & Watson LLP
1201 SOUTH SECOND STREET
E-7F19
MILWAUKEE, WI 53204

Mail Date: 04/20/2010

Applicant	: Zhengrong Li	: DECISION ON REQUEST FOR
Patent Number	: 7659683	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,048	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **217** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
LAWRENCE KATES :
Application No. 11/669,066 : DECISION ON PETITION
Filed: January 30, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **KATES.027CP1** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 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 statement by Lawrence Kates's, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

NOV 17 2009

OFFICE OF PETITIONS

In re Application of :
Russell Wayne Gruhlke et al :
Application No. 11/669,074 : ON PETITION
Filed: January 30, 2007 :
Attorney Docket No. QCO.129A/061011

This is a decision on the petition, filed November 16, 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 September 25, 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 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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 Nov-07

COPY MAILED

NOV 14 2007

OFFICE OF PETITIONS

LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60610-4746

In re Application of :
Baeumner et al. : DECISION NOTING JOINDER OF
Application Number: 11/669078 : INVENTOR AND PETITION
Filing Date: 01/30/2007 : UNDER 37 CFR 1.47(a) MOOT
Attorney Docket Number: 211451-10001/US :

This is a decision in reference to the petition under 37 CFR 1.47(a) filed on October 10, 2007.

On October 10, 2007, in response to the Notice to File Missing Parts of Nonprovisional Application mailed on March 12, 2007, petitioners filed a declaration signed by all joint inventors except non-signing joint inventors Antje J. Baeumner and Natalya V. Zaytseva, and accompanied by a five (5) month extension of time. The subject petition under 37 CFR 1.47(a) was also filed.

It is noted that October 12, 2007, petitioners filed a Declaration under 37 CFR 1.63 signed by the previously non-signing inventors, Antje J. Baeumner and Natalya V. Zaytseva.

In view of the joinder of the inventors, consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

As the fully executed declaration was received prior to treatment of the Rule 47 petition on the merits, no petition fee is due. The petition fee will be credited to counsel's deposit account.

This application will be referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

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

MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

In re Application of	:	
Gerry Ayala et al.	:	
Application No. 11/669,088	:	DECISION ON PETITION
Filed: January 30, 2007	:	TO WITHDRAW
Attorney Docket No. 3620.PCRA.NP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 10, 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 Frank W. Compagni on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw. If this firm desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Applicant is reminded that there is no attorney of record at this time.

There are no outstanding Office actions in this case.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Gerry Ayala
375 East 50 South
Provo, UT 84606

cc: Michael A. Lisi
Honigman, Miller, Schwartz and Cohn, LLP
38500 Woodward Avenue, Suite 100
Bloomfield Hills, MI 48304-5048

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

STEPHEN B. SALAI, ESQ.
HARTER SECRETS & EMERY, LLP
1600 BAUSCH & LOMB PLACE
ROCHESTER, NY 14604-2711

COPY MAILED

NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Joseph F. Arcuri, et al.	:	
Application No. 11/669,101	:	DECISION ON PETITION
Filed: January 30, 2001	:	TO WITHDRAW
Attorney Docket No. 86165.000127	:	FROM RECORD
	:	

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 18, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Brian Shaw on behalf of all attorneys of record who are associated with customer No. 23387.

All attorneys/agents associated with the Customer Number 23387 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JACQUELINE ROMANO
VICE PRESIDENT OF OPERATIONS
THE FOUNTAINHEAD GROUP, INC
23 GARDEN STREET
NEW YORK MILLS, NY 13417

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/669,101	01/30/2007	Joseph F. Arcuri	86165.000127

CONFIRMATION NO. 4923

POWER OF ATTORNEY NOTICE

23387
Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

OC00000033125675

Date Mailed: 11/17/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

AUG 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Lawrence Kates	:	
Application No. 11/669,102	:	DECISION ON PETITION
Filed: January 30, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. KATES.059CP1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 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 statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 04/20/2010

Applicant	: Christopher Sindoni	: DECISION ON REQUEST FOR
Patent Number	: 7610044	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,111	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **20** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 05/17/2010

Applicant : Christopher Sindoni
Patent Number : 7610044
Issue Date : 10/27/2009
Application No: 11/669,111
Filed : 01/30/2007

: 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 **73** 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 13 2007

OFFICE OF PETITIONS

MORGAN, LEWIS & BOCKIUS, LLP
ONE MARKET SPEAR STREET TOWER
SAN FRANCISCO CA 94105

In re Application of :
Matson, et al. : DECISION REFUSING STATUS
Application No. 11/669,119 : UNDER 37 CFR 1.47(a)
Filed: January 30, 2007 :
Attorney Docket No. 067504-5002-US :

This is in response to the petition under 37 CFR 1.47(a), filed September 24, 2007.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Donald K. Brandom, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, 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 to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor Brandom . In this regard, petitioner should state whether he has access to inventor Brandom's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal?

Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr.Brandom's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct.

If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Regarding fees, the current Rule 47(a) petition fee is $200.00. Petitioner paid $200.00. Deposit account no. 50-0310 will be refunded $200.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

COPY MAILED

NOV 26 2007

OFFICE OF PETITIONS

MORGAN, LEWIS & BOCKIUS, LLP
ONE MARKET SPEAR STREET TOWER
SAN FRANCISCO CA 94105

In re Application of :
Matson, et al. : DECISION REFUSING STATUS
Application No. 11/669,127 : UNDER 37 CFR 1.47(a)
Filed: January 30, 2007 :
Atty. Dkt. No.: 067504-5003-US :
For: POROUS INTRAVASCULAR :
EMBOLIZATION PARTICLES AND :
RELATED METHODS :

This decision is in response to the petition under 37 CFR 1.47(a) filed September 24, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed January 30, 2007 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed February 22, 2007. The Notice required, *inter alia*, a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirements (1) and (2) set forth above.

At to item (1), petitioner have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners allege the non-signing inventor cannot be located despite number efforts to locate the non-signing inventor at the non-signing inventor's last known address.

Petitioners is reminded that where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented.

The declarations submitted with the instant petition are not acceptable as they fail to set forth the entire inventive entity. The declaration of inventor's Matson and McNamara fail to name inventor's Brandom and Balkenhol by name and citizenship. It is acknowledged that the other information required under 37 CFR 1.63 has been submitted by way of an application data sheet (ADS). The declaration executed by Ms. Balkenhol on behalf of deceased inventor Balkenhol is unacceptable as it fails to identify the

entire inventive entity. Further, Ms. Balkenhol has altered Form PTO SB01A, or the declaration. Be advised the existing text of a PTO form, other than a certification statement, may be modified, deleted, or added to, if all text identifying the form as an Office form is removed. Moreover, Ms. Balkenhol names the deceased inventor as the sole inventor. The non-signing inventor has not been identified by name and citizenship on either declaration.

Any renewed petition must be accompanied by a properly executed oath or declaration in accordance with 37 CFR 1.63.

The declaration presented is unacceptable as it has not been properly executed on behalf of the non-signing inventor.

As to item (3), the required petition fee is $200.00. Petitioners have submitted $400.00. The excess $200.00 will be refunded in due course to petitioners' deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulaney Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO CA 94303

COPY MAILED

SEP 29 2008

OFFICE OF PETITIONS

In re Application of

KOTHARI, Pravin et al.
Application No. 11/669,130
Filed: January 30, 2007
Attorney Docket No. **AGLNNZ00600**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ASH TANKHA**
IP PROCURE, INC.
36 GREENLEIGH DRIVE
SEWELL, NJ 08080

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

PIONEER HI - BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
P O BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Robert Lee Segebart	: DECISION ON REQUEST FOR
Patent Number	: 7572961	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,176	: OF WYETH
Filed	: 01/31/2007	:
		:

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

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

PIONEER HI - BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
P O BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

Applicant : Robert Lee Segebart
Patent Number : 7572961
Issue Date : 08/11/2009
Application No: 11/669,176
Filed : 01/31/2007

: NOTICE CONCERNING IMPROPER
: DISMISSAL OF THE REQUEST
: FOR RECALCULATION OF
: PATENT TERM ADJUSTMENT
: IN VIEW OF WYETH

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 mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February, 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February, 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **128** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate 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 1.18(e), the 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 deterimation 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
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.
11/669,177	01/31/2007	Stephen William Noble JR.	P08271US00 - PHI 2393	5049

27142 7590 12/10/2008

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER	
BUI, PHUONG T	
ART UNIT	**PAPER NUMBER**
1638	

MAIL DATE	DELIVERY MODE
12/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-27211

DEC 10 2008

In re Application of:
Nobel et al.
Serial No.: 11/669,177
Filed: January 31, 2007
Attorney Docket No.: **P08271US00 - PHI 2393**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 2, 2008, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on July 14, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This application has been allowed but it is pointed out that the envelope containing the contents of the request was inadvertently scanned and such was open to the public. In any event, the file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552

COPY MAILED

APR 21 2008

In re Application of	:	
Charles Thomas Cunnyngham	:	
Application No. 11/669,181	:	DECISION ON PETITION
Filed: January 31, 2007	:	
Attorney Docket No. 2394	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 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 January 9, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 9, 2007. Accordingly, the date of abandonment of this application is January 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440.00; (2) the petition fee of $1540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692.

This application is being referred to Publishing Division for processing into a patent.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: William Andrew Wilson	: DECISION ON REQUEST FOR
Patent Number	: 7638688	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,183	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

Applicant : William Andrew Wilson
Patent Number : 7638688
Issue Date : 12/29/2009
Application No: 11/669,183
Filed : 01/31/2007

: 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 **183** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Mario Rosario Carlone JR.	: DECISION ON REQUEST FOR
Patent Number	: 7598437	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,205	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **12** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

Applicant : Mario Rosario Carlone JR.
Patent Number : 7598437
Issue Date : 10/06/2009
Application No: 11/669,205
Filed : 01/31/2007

: 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 **45** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Lora Lynn Kilgore-Norquest	: DECISION ON REQUEST FOR
Patent Number	: 7572962	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,210	: OF WYETH
Filed	: 01/31/2007	:
		:

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

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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

Applicant : Lora Lynn Kilgore-Norquest
Patent Number : 7572962
Issue Date : 08/11/2009
Application No: 11/669,210
Filed : 01/31/2007

: NOTICE CONCERNING IMPROPER
: DISMISSAL OF THE REQUEST
: FOR RECALCULATION OF
: PATENT TERM ADJUSTMENT
: IN VIEW OF WYETH

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 mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February, 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February, 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **118** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate 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 1.18(e), the 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 deterimation 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
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.
11/669,211	01/31/2007	Russel Miles Pinnisch	P08270US00 - PHI 2503	5086

27142 7590 12/10/2008

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER	
BUI, PHUONG T	
ART UNIT	**PAPER NUMBER**
1638	

MAIL DATE	DELIVERY MODE
12/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-27211

DEC 10 2008

In re Application of:
Russel M. Pinnisch
Serial No.: 11/669,211
Filed: January 31, 2007
Attorney Docket No.: **P08270US00 - PHI 2503**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 2, 2008, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on July 14, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This application has been allowed but it is pointed out that the envelope containing the contents of the request was inadvertently scanned and such was open to the public. In any event, the file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

ok to enter
ptb
9/1/09

PTO/SB/44 (05-03)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : **7,521,610 B2**

DATED : **April 21, 2009**

INVENTOR(S) : **PINNISCH, RUSSEL MILES**

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 36, between current lines 2 and 3:
ADD NEW LINE --DEPOSITS--

Col. 42, Claim 10, line 40:
DELETE: after trait "selected from the group consisting of"

Col. 44, Claim 14, lines 3-4:
DELETE: after variety "X5T 123"
ADD: after variety --X5T123--

MAILING ADDRESS OF SENDER:

PATENT NO. **7,521,610 B2**

Jon B. Sievers, Reg. No. 64,824
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/26/09 Paper No.: —

TO SPE OF : ART UNIT 1638

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/669211 Patent No.: 7521610 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 (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

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: all changes are approved. ptb 9/1/09

/Anne Marie Grunberg/ 1638
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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Russell L Fox	: DECISION ON REQUEST FOR
Patent Number	: 7595436	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,275	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **218** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/669,280	01/31/2007	Detlef Rhodius	H45-002-01-US	5192

7590 07/03/2008

NORTH OAKS PATENT AGENCY
45 ISLAND ROAD
NORTH OAKS, MN 55127

EXAMINER	
SIMONE, CATHERINE A	

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/09/2008 0030058135

Credit Card Refund Total: $250.00

VISA....: XXXXXXXXXXXX0521

Adjustment date: 07/09/2008 NFARMER
01/31/2007 INTEFSW 00001487 11669280
02 FC:2111 -250.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Russel Miles Pinnisch	: DECISION ON REQUEST FOR
Patent Number	: 7582814	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,301	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

Applicant : Russel Miles Pinnisch
Patent Number : 7582814
Issue Date : 09/01/2009
Application No: 11/669,301
Filed : 01/31/2007

: 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 **194** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Joachim Ernst Kramer	: DECISION ON REQUEST FOR
Patent Number	: 7589263	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,313	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **156** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

Applicant : Joachim Ernst Kramer
Patent Number : 7589263
Issue Date : 09/15/2009
Application No: 11/669,313
Filed : 01/31/2007

: 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 **212** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50121-0552

Mail Date: 04/21/2010

Applicant	: Thomas Craig Kevern	: DECISION ON REQUEST FOR
Patent Number	: 7586026	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,316	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50121-0552

Mail Date: 05/18/2010

Applicant : Thomas Craig Kevern
Patent Number : 7586026
Issue Date : 09/08/2009
Application No: 11/669,316
Filed : 01/31/2007

: 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 **214** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC
7250 NW 62ND AVENUE
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Lora Lynn Kilgore-Norquest	: DECISION ON REQUEST FOR
Patent Number	: 7582815	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,317	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **157** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

PIONEER HI-BRED INTERNATIONAL, INC
7250 NW 62ND AVENUE
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

Applicant : Lora Lynn Kilgore-Norquest
Patent Number : 7582815
Issue Date : 09/01/2009
Application No: 11/669,317
Filed : 01/31/2007

: 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 **214** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/20/2010

Applicant	: Mario Rosario Carlone JR.	: DECISION ON REQUEST FOR
Patent Number	: 7615690	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,318	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **133** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/17/2010

Applicant : Mario Rosario Carlone JR.
Patent Number : 7615690
Issue Date : 11/10/2009
Application No: 11/669,318
Filed : 01/31/2007

: 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 **173** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Lori Lisa Carrigan	: DECISION ON REQUEST FOR
Patent Number	: 7598438	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,319	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **65** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

PIONEER HI-BRED INTERNATIONAL, INC
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

Applicant : Lori Lisa Carrigan
Patent Number : 7598438
Issue Date : 10/06/2009
Application No: 11/669,319
Filed : 01/31/2007

: 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 **104** 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/20/2010

Applicant	: Mario Rosario Carlone JR.	: DECISION ON REQUEST FOR
Patent Number	: 7612262	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,320	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **140** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 05/17/2010

Applicant : Mario Rosario Carlone JR.
Patent Number : 7612262
Issue Date : 11/03/2009
Application No: 11/669,320
Filed : 01/31/2007

: 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 **172** 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 10 2010

OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

In re Application of
Yossi Tsfaty, et al.
Application No. 11/669,326
Filed: January 31, 2007
Attorney Docket No.: TI-62286

ON PETITION

This is a decision in response to the petition, filed March 26, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed August 19, 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) was obtained. Accordingly, the application became abandoned on November 20, 2009. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 2474 for appropriate action by the Examiner in the normal course of business on the reply received March 26, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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

COPY MAILED

APR 16 2008

CISCO SYSTEMS, INC.
SCIENTIFIC-ATLANTA, INC.
SA/CISCO IP DEPT.
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

In re Application of
Frederic M. Kozak, et al.
Application No. 11/669,330
Filed: January 31, 2007
Attorney Docket No. 951517

ON PETITION

This is a decision in response to the petition, filed February 20, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 26, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 27, 2007. This decision precedes the mailing of a Notice of Abandonment. On December 5, 2007, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2839 for consideration of the amendment filed February 20, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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.
11/669,339	01/31/2007	Robert P. Morris	I458/US	5275

49277 7590 02/03/2010

SCENERA RESEARCH, LLC
111 CORNING RD.
SUITE 220
CARY, NC 27518

EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
02/03/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

FEB 03 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Kevin L. Wingate
SCENERA RESEARCH, LLC
111 CORNING RD.
SUITE 220
CARY NC 27518

In re Application of: MORRIS, Robert P.
Application No. **11/669,339**
Filed: January 31, 2007
Docket No. I458/US
Title of Invention: METHODS AND SYSTEMS FOR ASSOCIATING A TAG WITH A STATUS VALUE OF PRINCIPAL ASSOCIATED WITH A PRESENCE CLIENT

DECISION ON PETITION UNDER 37 C.F.R. § 1.103(a)

This is a decision on the petition filed on January 13, 2010 under 37 CFR § 1.103(a) requesting suspension of action by the Office for a period of six (6) months for good and sufficient cause. The request is accompanied by fee set forth in §1.17(g).

The petition is **GRANTED**.

Pursuant to applicant's request filed on January 13, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months. The suspension of action, in the case applied to an impending Office action by the examiner in view of Applicant's filing of instant application on 01/31/07. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. See 37 CFR § 1.704(c)(1).

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, alternatively, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

Mail Date: 04/20/2010

Applicant	: ANDREJA BAKAC	: DECISION ON REQUEST FOR
Patent Number	: 7618546	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,424	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **14** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

FOLEY & LARDNER, LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

COPY MAILED

FEB 21 2008

OFFICE OF PETITIONS

In re Application of
Alan K. Uke, et al
Application No. 11/669,436
Filed: January 31, 2007
Attorney Docket No. 023727-2202

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 12, 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 Richard J. Warburg on behalf of all attorneys of record who are associated with customer No. 30542.

All attorneys/agents associated with Customer Number 30542 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 are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ALAN K. UKE
355 14TH STREET
DEL MAR, CA 92014

UNDERWATER KINETIC, INC.
13400 DANIELSON STREET
POWAY, CA 92064

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/669,436	01/31/2007	ALAN K. UKE	023727-2202

CONFIRMATION NO. 5415

30542
FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

POWER OF ATTORNEY NOTICE

OC000000028407731

Date Mailed: 02/21/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/12/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/669,461	01/31/2007	Shogo YAMAMOTO	302791US3	5454

7590 04/09/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
SRIVASTAVA, TARUN K	

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
04/09/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/08/2008 KKING1
02/01/2007 INTEFSW 00000054 11669461
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP
05 FC:1203 -360.00 OP

Refund Ref:
04/08/2008 0030053570

Credit Card Refund Total: $1060.00

Am Exp..: XXXXXXXXXXX1000

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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Pieter van Rooyen	: DECISION ON REQUEST FOR
Patent Number	: 7590202	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,486	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARVEY S. KAUGET
PHELPS DUNBAR, LLP
100 S. ASHLEY DRIVE
SUITE 1900
TAMPA FL 33602-5311

COPY MAILED

APR 20 2007

OFFICE OF PETITIONS

In re Application of

EVERETT H. EDLIN
Application No. 11/669,487
Filed: January 31, 2007
Attorney Docket No. **23328.0001**

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 January 31, 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 Everett H. Edlin's birth certificate 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 3671 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET,
SUITE 2250
MINNEAPOLIS MN 55402

MAILED

JAN 15 2010

OFFICE OF PETITIONS

In re Application of :
Audrey BECKERT, et al :
Application No. 11/669,500 : DECISION ON PETITION
Filed: January 31, 2007 :
Attorney Docket No. :
Q601.156.101/2005P54580US

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $1510 and Publication Fee of $300; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Samuel E. McTier	: DECISION ON REQUEST FOR
Patent Number	: 7588231	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,534	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **183** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

FRANK CHAU, ESQ.
F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY NY 11797

COPY MAILED

NOV 3 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Jang-Soo Kim et al	:	
Application No. 11/669,551	:	DECISION ON PETITION
Filed: January 31, 2007	:	
Attorney Docket No. 8054L-312(LX3017US/SJ)	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed November 8, 2007, requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks item (2) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

As an alternative, petitioner may wish to file a declaration of express abandonment of the instant application pursuant to 37 CFR 1.138(d) to obtain a refund of the search and excess claims fees. A copy of form PTO/SB/24B is provided for petitioner's convenience. Petitioner is advised to file the declaration without delay as the express abandonment can only be processed before an examination has been made of the application. Thereafter, petitioner cannot obtain a refund of such fees except as provided in 37 CFR 1.26.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

enclosure: PTO/SB/24B

PTO/SB/24B (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXPRESS ABANDONMENT TO OBTAIN A REFUND

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568
Or **Mail** the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

Petition for Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund

I hereby petition to expressly abandon the above-identified application to obtain a refund of any previously paid search fee and excess claims fee in the application. Please refund any search fee and excess claims fee paid in this application.

☐ The Director is hereby authorized to credit the fee(s) to Deposit Account No. _____.

NOTE: The provisions of 37 CFR 1.138(d) only apply to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004. A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, INCLUDE FORM PTO/SB/24A AND PETITION FEE WITH THIS FORM.

I am the:

☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Attorney or agent registration number is _____.

☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application. Attorney or agent registration number is _____.

_____ _____
Signature Date

_____ _____
Typed or printed name Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.138(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO 9199 and select option 2.

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.
11/669,551	01/31/2007	Jang-Soo Kim	8054L-312 (LX3017US/S.I)	5588

7590 12/25/2007

Frank Chau, Esq.
F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797

EXAMINER	
LEBENTRITT, MICHAEL	

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
12/25/2007	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

02 FC:1111 -500.00 OP

04 FC:1202 -200.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/669,551	01/31/2007	Jang-Soo Kim	8054L-312 (LX3017US/SJ)	5588

7590 12/21/2007

Frank Chau, Esq.
F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797

EXAMINER	
LEBENTRITT, MICHAEL	

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
12/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment	Application No.	Applicant(s)	
	11/669,551	KIM ET AL.	
	Examiner	Art Unit	
	Lebentritt, Michael	2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☑ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

Rick Clemons □□Administrative Assistant□□Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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

FRANK CHAU, ESQ.
F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY NY 11797

COPY MAILED

NOV 3 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Jang-Soo Kim et al	:	
Application No. 11/669,572	:	DECISION ON PETITION
Filed: January 31, 2007	:	
Attorney Docket No. 8054L-312(LX3017US/SJ)	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed November 8, 2007, requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks item (2) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

As an alternative, petitioner may wish to file a declaration of express abandonment of the instant application pursuant to 37 CFR 1.138(d) to obtain a refund of the search and excess claims fees. A copy of form PTO/SB/24B is provided for petitioner's convenience. Petitioner is advised to file the declaration without delay as the express abandonment can only be processed before an examination has been made of the application. Thereafter, petitioner cannot obtain a refund of such fees except as provided in 37 CFR 1.26.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile:
(571) 273-8300
Attn: Office of Petitions

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

enclosure: PTO/SB/24B

PTO/SB/24B (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXPRESS ABANDONMENT TO OBTAIN A REFUND

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568
Or **Mail** the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

Petition for Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund

I hereby petition to expressly abandon the above-identified application to obtain a refund of any previously paid search fee and excess claims fee in the application. Please refund any search fee and excess claims fee paid in this application.

☐ The Director is hereby authorized to credit the fee(s) to Deposit Account No. _____.

NOTE: The provisions of 37 CFR 1.138(d) only apply to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004. A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, INCLUDE FORM PTO/SB/24A AND PETITION FEE WITH THIS FORM.

I am the:

☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Attorney or agent registration number is _____.

☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application.
Attorney or agent registration number is _____.

_____ _____
Signature Date

_____ _____
Typed or printed name Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.138(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, **P.O. Box 1450**, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO 9199 and select option 2.

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.
11/669,572	01/31/2007	Jang-Soo Kim	8054L-312 (LX3017US/S.I)	5627

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
01/11/2008	PAPER

7590 01/11/2008

Frank Chau, Esq.
F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797

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

02 FC:1111 -500.00 OP
02 FC:1111

04 FC:1202 -200.00 OP
04 FC:1202

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

KLEIN, O''Neill & SINGH, LLP
18200 Von Karman Avenue
Suite 725
IRVINE, CA 92612

Mail Date: 05/12/2010

Applicant	: Darren L. Trapp	: DECISION ON REQUEST FOR
Patent Number	: 7668177	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/669,573	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: 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.

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

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

SEP 25 2008

In re Application of	:	
Curcio et al.	:	
Application No.: 11/669585	:	DECISION ON
Filing or 371(c) Date: 01/31/2007	:	PETITION
Attorney Docket Number:	:	
200602455-1	:	

This is a decision in response to the "Petition to Withdraw Abandonment Holding/Request for Reconsideration of Holding of Abandonment," filed September 8, 2008. The petition is properly under 37 CFR § 1.181.

This Petition is hereby dismissed.

Any petition for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is not final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed February 22, 2007. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on April 23, 2007. A Notice of Abandonment was mailed August 4, 2008.

The present petition

Applicant files the present petition and asserts that a response to the Notice was filed electronically via EFS-Web on March 1, 2007. Applicant attaches a copy of the response. Applicant also attaches a copy of the Electronic Acknowledgment Receipt generated by and received from this Office. Applicant notes that Applicant authorized this Office to charge the filing fees for this application, as well as any other fees that may become due, to Applicant's deposit account.

Review of the application file

A review of the application file reveals that this Office generated an Electronic Acknowledgment Receipt on March 1, 2008 Acknowledging receipt of one (1) page "Applicant's Response to Pre-Exam Formalities Notice." Under "Payment Information: Submitted with Payment,: is the word "no," indicating that no payment was received with Applicant's reply.

A review of the one (1) page reply reveals that this Office received only a copy of the second page of the Notice on March 1, 2007.

Review of Applicant's copies of documents filed with the petition

Review of Applicant's copy of the Electronic Acknowledgment Receipt generated by and received from this Office confirms that this Office received a one (1) page document on March 1, 2007, and that no fee was submitted with the reply. Applicant has filed a copy of a Transmittal Letter for Submittal of Missing Parts," along with a copy of the Notice, and a copy of the Application Transmittal form authorizing this Office to charge filing fees for this application, as well as any other fees that may become due, to Applicant's deposit account.

Applicable Law, Rules and MPEP

37 CFR 1.8, Certificate of mailing or transmission, states

> (B) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.
> (c) The Office may require additional evidence to determine if the correspondence was timely filed.

The MPEP 503 states: "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

An acknowledgment receipt is a legal equivalent of a post card receipt described in the Manual of Patent Examining Procedure (MPEP), Section 503. See, 1315 OG 57; 72 Fed. Reg. 2770 (23 Jan 2007).

Analysis

1. Office records

Applicant is advised that the USPTO file is the Official record of the papers actually received or filed. In this instance, Applicant filed, and this Office received a one (1) page reply to the Notice on March 1, 2007. The reply was a copy of the second page of the Notice.

2. Electronic Acknowledgment Receipt

Applicant's Electronic Acknowledgment Receipt confirms that a one (1) page reply was filed on March 1, 2007, and also that no fee was submitted with the reply.

3. Certificate of Mailing

Applicant files a copy of a Transmittal Letter for Submittal of Missing Parts, which includes a Certificate of Mailing under 37 CFR 1.8; however, Applicant has not included evidence that would support a conclusion that the Transmittal Letter for Submittal of Missing Parts was actually filed in this Office on March 1, 2007 (i.e. a copy of the a copy of the sending unit's report confirming transmission).

Conclusion

The petition is dismissed.

Alternate Venue

Applicant is urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable."

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this Decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

NOV 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Curcio et al.	:	
Application No.: 11/669585	:	DECISION ON
Filing or 371(c) Date: 01/31/2007	:	PETITION
Attorney Docket Number:	:	
200602455-1	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed October 10, 2008.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed February 22, 2007. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on April 23, 2007. A Notice of Abandonment was mailed August 4, 2008.

Applicant files the present petition and response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply (filed September 8, 2008); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRANK CHAU, ESQ.
F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY NY 11797

COPY MAILED

NOV 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Jang-Soo Kim et al	:	
Application No. 11/669,639	:	DECISION ON PETITION
Filed: January 31, 2007	:	
Attorney Docket No. 8054L-312(LX3017US/SJ)	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed November 8, 2007, requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks item (2) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

As an alternative, petitioner may wish to file a declaration of express abandonment of the instant application pursuant to 37 CFR 1.138(d) to obtain a refund of the search and excess claims fees. A copy of form PTO/SB/24B is provided for petitioner's convenience. Petitioner is advised to file the declaration without delay as the express abandonment can only be processed before an examination has been made of the application. Thereafter, petitioner cannot obtain a refund of such fees except as provided in 37 CFR 1.26.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

enclosure: PTO/SB/24B

PTO/SB/24B (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXPRESS ABANDONMENT TO OBTAIN A REFUND

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568
Or **Mail** the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

Petition for Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund

I hereby petition to expressly abandon the above-identified application to obtain a refund of any previously paid search fee and excess claims fee in the application. Please refund any search fee and excess claims fee paid in this application.

☐ The Director is hereby authorized to credit the fee(s) to Deposit Account No. _____.

NOTE: The provisions of 37 CFR 1.138(d) only apply to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004. A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, INCLUDE FORM PTO/SB/24A AND PETITION FEE WITH THIS FORM.

I am the:

☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Attorney or agent registration number is _____.

☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application. Attorney or agent registration number is _____.

_____ _____
Signature Date

_____ _____
Typed or printed name Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.138(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO 9199 and select option 2.

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

HAMRE, SCHUMANN,
MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

COPY MAILED

FEB 19 2008

In re Application of
Snoddy, et al.
Application No. 11/669,646
Filed: 31 January, 2007
Attorney Docket No. 7933.1000USI1

DECISION ON PETITION

This is a decision on the petition filed on 23 April, 2007, and considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 31 January, 2007.

On 23 February, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Nonprovisional Application (to wit: "[t]he application was deposited without drawings, 35 U.S.C. §113 (first sentence) requires a drawing 'where necessary for an understanding of the subject matter sought to be patented'"); and thus, the application had not been accorded a filing date.

OIPE indicated that Petitioner might:

- contend via petition that drawings were not necessary for an understanding of of the subject matter sought to be patented or that drawings as described in the specification had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawing; or

- submit the omitted pages and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 23 April, 2007, Petitioner submitted the instant petition, and acknowledged that the drawings Figures 1 – 19 as described in the specification had been omitted, but averred that the content thereof was expressly incorporated from by reference to Application No. 11/232,199 in that the specification of the instant application expressly set forth that incorporation by reference on deposit/filing; and further that Figures 20 – 23 were not necessary for an understanding of the subject matter sought to be patented and that reference(s) to those latter drawings/figures (i.e., Figures 20 – 23) was/were being deleted via the preliminary amendment filed contemporaneously with the petition.

ANALYSIS

A search of the official file reveals that:

- on 31 January, 2007, Petitioner deposited the instant application;

- the Office record reflects that the application was deposited without drawings, 35 U.S.C. §113 (first sentence) requires a drawing 'where necessary for an understanding of the subject matter sought to be patented'"); and thus, the application had not been accorded a filing date.

To the extent that Petitioner avers incorporation by reference, Petitioner's attention is drawn to MPEP §608.01(p):

> * * *
>
> INCORPORATION BY REFERENCE
>
> * * *
>
> The Director has considerable discretion in determining what may or may not be incorporated by reference in a patent application. *General Electric Co. v. Brenner*, 407 F.2d 1258, 159 USPQ 335 (D.C. Cir. 1968). >Effective October 21, 2004, the Office

codified in 37 CFR 1.57(b) – (g) existing practice with respect to explicit incorporations by reference with a few changes to reflect the eighteen-month publication of applications. In addition, 37 CFR 1.57(a) was added to provide a safeguard for applicants when a page(s) of the specification, or a portion thereof, or a sheet(s) of the drawing(s), or a portion thereof, is inadvertently omitted from an application, such as through a clerical error. 37 CFR 1.57(a) applies to applications filed on or after September 21, 2004. 37 CFR 1.57(a) permits inadvertently omitted material to be added to the application by way of a later filed amendment if the inadvertently omitted portion of the specification or drawing(s) is completely contained in a prior-filed application (for which priority/benefit is claimed) even though there is no explicit incorporation by reference of the prior-filed application. See MPEP § 201.17 for discussion regarding 37 CFR 1.57(a). <

The incorporation by reference practice with respect to applications which issue as U.S. patents provides the public with a patent disclosure which minimizes the public's burden to search for and obtain copies of documents incorporated by reference which may not be readily available. Through the Office's incorporation by reference policy, the Office ensures that reasonably complete disclosures are published as U.S. patents. The following is the manner in which the Director has elected to exercise that discretion. Section A provides the guidance for incorporation by reference in applications which are to issue as U.S. patents. Section B provides guidance for incorporation by reference in benefit applications; i.e., those domestic (35 U.S.C. 120) or foreign (35 U.S.C. 119(a)) applications relied on to establish an earlier effective filing date. See MPEP § 2181 for the impact of incorporation by reference on the determination of whether applicant has complied with the requirements of 35 U.S.C. 112, second paragraph when 35 U.S.C. 112, sixth paragraph is invoked.

CONCLUSION

The petition is **dismissed**; the error was not of the Office and the fee is not waived.

As to Petitioner's averment that the parent application was incorporated by reference, this incorporation may be proper in practice before the Office. (See: MPEP §201.06(c) (in pertinent part).)

The matter of incorporation by reference is exclusively the purview of the Examiner and shall be considered by the Examiner as a preliminary amendment submitted by Petitioner. (As a matter of expediting prosecution, a Petitioner may submit a copy of the parent application as filed with a preliminary amendment and seek entry of that amendment by the Examiner.

No petition is required for that purpose.

The application is referred to the Office of Initial Patent Examination for further processing with the original deposit date of 31 January, 2007, before being forwarded for substantive examination.

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 action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

1 The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET, 13TH FLOOR
STAMFORD CT 06901

MAILED

MAR 0 3 2009

OFFICE OF PETITIONS

In re Application of :
VIG, Rakesh et al. :
Application No. 11/669,658 : DECISION ON PETITION
Filed: January 31, 2007 : TO WITHDRAW
Attorney Docket No. **VTI-114.9(US)(B)(CIP)(C)** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2009 and re-submitted on February 04, 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 Hans-Peter Hoffmann on behalf of all attorneys of record who are associated with customer No. 47670. All attorneys/agents associated with the Customer Number 47670 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.

There is an outstanding Office action mailed January 09, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **RAKESH VIG**
15 PARK PLACE
DURHAM CT 06422

cc: **VERIFICATION TECHNOLOGIES, INC.**
25 MIDDLESEX TURNPIKE, UNIT 14
P.O. BOX 94
ESSEX CT 06426

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

HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

COPY MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Notani, Ranjit	:	DECISION ON PETITION
Application No. 11/669,660	:	TO WITHDRAW
Filed: January 31, 2007	:	FROM RECORD
Attorney Docket No. 33079.3	:	

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, 2009.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 27683 was revoked by the applicant of the patent application on August 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

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

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

MAILED

JUL 15 2010

OFFICE OF PETITIONS

In re Application of :
Wilcox et al. :
Application No. 11/669,686 : DECISION ON PETITION
Filed: January 31, 2007 :
Attorney Docket No. 006179.00017 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the final Office action mailed December 21, 2009. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on March 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center 2427 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COPY MAILED

MAR 28 2008

OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
Isozaki, et al. : DECISION ON PETITION
Application No. 11/669,727 :
Filed: January 31, 2007 :
Docket No.: 302578US-2RD CONT :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 8, 2008.

This application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed June 8, 2007. This decision precedes Notice of Abandonment.

Petitioners assert that the non-final Office action was not received electronically and attribute the non-receipt to a problem with the electronic notification system.

A review of the application history, including the electronic notification system, supports a finding that although an email notification was sent to applicants on June 9, 2007, which applicants viewed on June 10, 2007, at the time of the viewing, the only document available for viewing was a notice regarding pre-grant publication. The non-final Office action was not available for viewing electronically until June 11, 2007 at 6:50 p.m.

In view of the facts and circumstances concerning the transmission of the non-final Office action, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center Group Art Unit 2183 for re-mailing of the non-final Office action. The time period for reply to the non-final Office action was be reset at the time of its mailing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BOSTON SCIENTIFIC CORPORATION
DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

COPY MAILED

OCT 3 0 2008

OFFICE OF PETITIONS

In re Application of :
E. Scott Harshman et al :
Application No. 11/669,752 : ON PETITION
Filed: January 31, 2007 :
Attorney Docket No. 21400/0210677-US0

This is a decision on the petition, filed October 28, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 17, 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 2821 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).

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: 06/02/09

Patent No. : 7530953 B2
Ser. No. : 11/669,752
Inventor(s) : PENA, LOUIS A.
Issued : 05/12/09
Title : **ELECTRICAL CONNECTOR**
Docket No. : **21400/1210731-US2**

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 mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
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.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 308-9390 #112

Boston Scientific Corporation
Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York NY 10008-0770

LMN

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

COPY MAILED

SEP 2 1 2009

OFFICE OF PETITIONS

Boston Scientific Corporation
Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York, NY 10008-0770

In re Patent No. 7,530,953 :
Issue Date: May 12, 2009 :
Application No. 11/669,752 : ON PETITION
Filed: January 31, 2007 :
Attorney Docket No. 21400/1210731-US2 :

This is a decision on the petition filed June 11, 2009, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name are "Boston Scientific SciMed, Inc." and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Boston Scientific SciMed, Inc." are the assignees of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Carl Friedman
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

KLEIN, O''Neill & SINGH, LLP
18200 Von Karman Avenue
Suite 725
IRVINE, CA 92612

Mail Date: 05/12/2010

Applicant	: Abraham Albo	: DECISION ON REQUEST FOR
Patent Number	: 7668162	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/669,775	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **501** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
FROM DIRECTORS OFFICE

APR 2 2 2008

TECHNOLOGY CENTER 3600

Fox Factory, INC.
130 Hangar Way
Watsonville, CA 95076

In re Application of	:	
Robert Fox	:	RESPONSE TO PETITION
Application No. 11/669,862	:	TO EXPUNGE FILED
Filed: January 31, 2007	:	UNDER 37 CFR 1.59(b)
For: TRAVEL CONTROL FOR A GAS SPRING	:	
AND GAS SPRING HAVING VERY	:	
SHORT TRAVEL MODES	:	

This is a response to the petition under 37 CFR 1.59(b), filed July 19, 2007, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that Showa Advertisement published in the June 1994 issue of Mountain Bike magazine, filed June 1, 2007, 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(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

In the meantime, the document will be closed whereby any non-Patent and Trademark Office personnel will be precluded from viewing or having access to the document, such as via public PAIRs.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Questions concerning this decision should be directed to SPE Robert Siconolfi at (571) 272-7124.

Kathy Matecki

Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250

KM/rs: 4/04/08

KM

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

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Stuttard, Williams, O'Dea, Faulds, Rhoades, Cameron, Atkin, :
Winser, David, McConnell, Day, and Greer :
Application No.: 11/669,868 : DECISION ACCORDING
Filed: January 31, 2007 : RULE 47(a) STATUS
Attorney Docket No:HASE0011 :
For: **PARALLEL DATA PROCESSING APPARATUS**

This is in response to the petition under 37 CFR 1.47(a), filed June 11, 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 31, 2007, without a properly executed declaration. On February 20, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring, a proper declaration and payment of a surcharge. The instant petition was filed responsively on June 11, 2007, with a request for an extension of time within the second month.

Petitioner has shown that inventors Atkin and Faulds cannot be located 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 Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

CADENCE DESIGN SYSTEMS, INC
INTELLECTUAL PROPERTY DEPARTMENT
2655 SEELY AVENUE, BUILDING 5
SAN JOSE, CA 95134

Mail Date: 04/21/2010

Applicant	: Harsh Dev Sharma	: DECISION ON REQUEST FOR
Patent Number	: 7600208	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,872	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **93** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

COPY MAILED

SEP 0 4 2007

OFFICE OF PETITIONS

In re Application of
George Zampetti
Application No. 11/669,882
Filed: January 31, 2007
Attorney Docket No. SYMM/0003

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 17, 2007, to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

Petitioner states that the present nonprovisional application is the subject of an application filed in an eighteen-month publication country. Petitioner indicates that 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.

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 present petition lacks item (1) above. In the present petition, petitioner did not indicate the filing date of the subsequently filed foreign or international application. The Office is unable to evaluate the petition on its merits without petitioner providing the correct filing date of the foreign or international application. This information must be provided with any renewed petition. Accordingly, the present application remains abandoned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 20 2007

OFFICE OF PETITIONS

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of :
George Zampetti. :
Application No. 11/669,882 : DECISION ON PETITION
Filed: January 31, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. SYMM/0003 :

This is a decision on the renewed petition, filed October 25, 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 February 1, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date February 28, 2008 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being forwarded to Technology Center Art Unit 2616 for examination in due course.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
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
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/669,882	01/31/2007	George P. Zampetti	SYMM/0003

CONFIRMATION NO. 6150

26290
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

NONPUBLICATION RESCISSION LETTER

Date Mailed: 11/20/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/28/2008.

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. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[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".

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 LOOP
P.O. BOX 21466
SEATTLE WA 98111

COPY MAILED
SEP 26 2008

In re Application of	:	
Junli Liu, et al.	:	
Application No. 11/669,895	:	ON PETITION
Filed: January 31, 2007	:	
Attorney Docket No. 690089.416	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 13, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 14, 2007. The Notice of Abandonment was mailed October 29, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the basic filing fee, surcharge, application search fee, examination search fee and fee(s) for additional claims; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

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

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

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET, SUITE 1600
PORTLAND OR 97204

COPY MAILED

MAR 20 2008

In re Application of	:	
BEACH, et al.	:	
Application No. 11/669,900	:	DECISION GRANTING PETITION
Filed: January 31, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **7180-69626-12**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 14, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 16, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3711 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.go

In re Patent No. BEACH ET AL.
Appl No.: 11/669,900
Filed: January 31, 2007

DECISION GRANTING PETITION
37 CFR 1.48

7/11/08

This is a decision on the petition under 37 CFR 1.48, filed 8/20/07.
The petition is granted.

The application will be forwarded to TC 3700.

Eugene Kim
Supervisory Patent Examiner
Art Unit 3711

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

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

02/23/2007

MAILED

FEB 26 2007

Technology Center 2100

WITHERS & KEYS, LLC
P. O. BOX 2049
MCDONOUGH GA 30253

In re Application of:
Cullick et al.
Serial No.: 11/669,903
Filed: January 31, 2007
Docket: 41002.0001USU1/2005-IP-18
Title: METHODS, SYSTEMS, AND COMPUTER-READABLE MEDIA FOR REAL-TIME OIL AND GAS FIELD PRODUCTION OPTIMIZATION USING A PROXY SIMULATOR

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on January 31, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1 – I.4, II.1 – II.4, II.5.3, II.6.1, II.6.3 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5, specifically II.5.1 and II.5.2, II.6.2, II.6.4 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5, 5.1 and 5.2 above, the preexamination search must be directed to the (instant) claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation . In particular, with respect to items 5 and 5.1 above, for database searches, the search logic used as a query, the name of the file(s) searched and the database service is required. Note, the provision of search terms to a third-party searcher used does not meet this requirement. Petitioner indicates that a Boolean text search of U.S. patents and published patent applications was requested of the searcher. If a Boolean text search was performed by the searcher in a U. S. patent database, petitioner is requested to identify any such database searched along with date searched and provide the search logic used as a query. Further, Petitioner should identify whether the text search logic used was utilized in combination with the identified field of search (i.e. class 703 subclasses 9 and 10, and class 702, subclasses 6-13) or separate therefrom (i.e. the identified subclasses were searched in their entirety). Clarification is required. Further, with respect to item II.5.2 above, claim limitations some of which have been identified as patentable features distinguishing the claimed invention from the cited prior art (such as "boundary limits", "extreme levels", "fitting data" in claims 1, 9, and 17; "calculate derivatives", "correlations" in claims 2, 10; "collecting characterization data" in claims 3, 11 and 17; "sensitivities" and "ranges" of parameters in claims 4, 12 and 17) or any search terms covering these limitations do not appear to have been included in the search. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure the search covered these concepts, and update the search and/or provide any clarifications if deemed necessary . Additionally, since the petition does not indicate in what manner the key words were used with operators, it is unclear whether or not the claims were given the broadest reasonable interpretation. Specifically, it appears that the search logic included a narrow interpretation of the term "proxy model". It is suggested that petitioner ensures that terms such as "sub-model" or "bridge" be searched in the context of modeling/simulation process, since claimed proxy model acts as a sub-model or bridge in the context of the claimed process. Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 703 subclasses 2 (Modeling) and 6 (Simulating Non-electrical) ; Class 73 (Measuring and Testing) subclasses 152.01 – 152.62 (specific to Borehole or Drilling. This additional search area was confirmed with a Primary examiner in the pertinent art area (Class 703).

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.2 above, section 9(B) of the Accelerated Examination support Document only provides a general discussion of pertinent references. Applicant should provide a claim-by-claim mapping of the pertinent subject matter disclosed in each of the references, specifically identifying each claim limitation and

[1] MPEP 8th ed. rev 5 August 2006

corresponding disclosure within the reference, citing to specific relevant portions of each reference. Examples can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document". In addition, petitioner should review the Detailed Explanation of Patentability section in view of changes and clarifications added to section 9(A) and provide clarifications, if deemed necessary, to ensure compliance with the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(4) and item 6.4 above, the concise statement of the utility ***must be of the invention as defined in each of the independent claims*** (reference must be made to independent claims 1, 9 and 17). It is noted that the statement of utility provided in the Accelerated Examination support Document appears to be relevant to the subject matter of claims 1, 9 and 17.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the Accelerated Examination Support Document only identifies specific figures and portions of text in the specification as providing support under 35 U.S.C. 112, First paragraph, but fails to identify each claim limitations and the corresponding support in the cited portions of specification. Clarification and identification of support is required. Similar clarification and identification of support is required for each claim limitation in Provisional application 60/763971, from which the instant application claims benefit under 35 U.S.C. 120.

It is noted , with respect to the requirements under 6.6 above, that the Cullick reference cited in the IDS and discussed in the Accelerated Examination Support Document appears to have at least one common inventor and assigned to the same assignee as the instant application, and may be eligible to be disqualified as prior art under 35 U.S.C. 103(c). Applicant is requested to either make such a statement or clarify that it is not eligible for disqualification as prior art under 35 U. S. C. 103 (c).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki, Quality Assurance Specialist, at (571) 272-3719.

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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

03/06/2007

MAILED

MAR 8 - 2007

Technology Center 2100

WITHERS & KEYS, LLC
P. O. BOX 2049
MCDONOUGH GA 30253

In re Application of:
Cullick et al.
Serial No.: 11/669,903
Filed: January 31, 2007
Docket: 41002.0001USU1/2005-IP-18
Title: METHODS, SYSTEMS, AND COMPUTER-READABLE MEDIA FOR REAL-TIME OIL AND GAS FIELD PRODUCTION OPTIMIZATION USING A PROXY SIMULATOR

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 supplemental decision on the petition filed on 1/30/07 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The prior decision mailed on February 27, 2007 stated that applicant's submission was deficient, specifically pointing out how the petition failed to comply with several requirements set forth in 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). This supplemental decision is being issued to point out a deficiency in the petition not addressed in the prior decision, and set forth below:

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the must satisfy the following condition:

The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy or countering terrorism. See 37 CFR 1.102(c) (2).

37 CFR 1.102(c) states in part :

37 CFR 1.102. A petition to make an application special may be filed without a fee if the basis for the petition is:

....

(2) That the invention will materially:

...

(ii) Contribute to the development or conservation of energy resources;

A grantable petition under 37 CFR 1.102(c) and MPEP 708.02, section IV, must be accompanied by the showing that the application is for an invention which materially contributes to (1) the discovery or development of energy resources, or (2) the more efficient utilization and conservation of energy resources. Examples of inventions in category (1) would be developments in fossil fuels (natural gas, coal, and petroleum), nuclear energy, solar energy, etc. Category (2) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipments, household appliances, etc. A petition under M.P.E.P. 708.02, Section VI, should be accompanied by verified statements under 37 C.F.R. 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office explaining how the invention materially contributes to category (1) or (2).

While the petition filed January 30, 2007 does include a statement that the claimed subject matter in the instant application will materially contribute to the discovery or development of energy resources, the statement is inadequate to establish for the record ***how*** the claimed subject matter in the instant application will materially contribute to the discovery or development of energy resources.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. It is noted that this supplemental decision effectively restarts the response period set forth in the original decision.

Any request for reconsideration must address, in addition to the deficiencies outlined in the original decision mailed February 27, 2007, the deficiencies indicated above, either by way of payment of a petition fee of $130.00 under 37 CFR 1.17(h), or by a showing that the claimed subject matter in the instant application will materially contribute to the discovery or development of energy resources as outlined above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki, Quality Assurance Specialist, at (571) 272-3719.

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 30 2007

Technology Center 2100

WITHERS & KEYS, LLC
P. O. BOX 2049
MCDONOUGH GA 30253

In re Application of:
Cullick et al.
Serial No.: 11/669,903
Filed: January 31, 2007
Docket: 41002.0001USU1/2005-IP-18
Title: METHODS, SYSTEMS, AND COMPUTER-READABLE MEDIA FOR REAL-TIME OIL AND GAS FIELD PRODUCTION OPTIMIZATION USING A PROXY SIMULATOR

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on April 9, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on January 31, 2007 was dismissed in the decision mailed on February 27, 2007 and the Supplemental decision mailed March 8, 2007.

It is noted that although the Detailed Explanation of patentability provided in the instant petition does not specifically mention all of the dependent claims as required in MPEP § 708.02(I.)(I)(3) and item 6.3 of the conditions for petition under 37 CFR § 1.102, it is apparent that the dependent claims not discussed (specifically claims 7,8,13,15 and 19) further limit and stand with the base claims from which they depend. If applicant amends in the future to move any of these dependent claim(s) into the base claim(s) from which it depends, it would be **required** for Petitioner to file a supplemental examination support document to explain the patentability of the claims as amended, in accordance with this item.

Further, petitioner has established on the record how the claimed subject matter will materially contribute to the development of energy resources pursuant to 37 CFR 1.102(c).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki at (571) 272-3719.

Kakali Chaki, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security

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

COPY MAILED

SEP 14 2007

OFFICE OF PETITIONS

MERCHANT & GOULD, LLC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
Alvin Stanley Cullic et al	:	
Application No. 11/669,903	:	DECISION GRANTING PETITION
Filed: January 31, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 60102.001US1/2005-IP-0181	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 13, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 27, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2128 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

02/23/2007

MAILED

FEB 27 2007

Technology Center 2100

WITHERS & KEYS, LLC
P. O. BOX 2049
MCDONOUGH GA 30253

In re Application of:
Cullick et al.
Serial No.: 11/669,911
Filed: January 31, 2007
Docket: 41002.0002USU1/2005-IP-18
Title: METHODS, SYSTEMS, AND COMPUTER-READABLE MEDIA FOR FAST UPDATING OF OIL AND GAS FIELD PRODUCTION MODELS WITH PHYSICAL AND PROXY SIMULATORS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on January 31, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1 – I.4, II.1 – II.4, II.5.3, II.6.1, II.6.3 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5, specifically II.5.1 and II.5.2, II.6.2, II.6.4 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5, 5.1 and 5.2 above, the preexamination search must be directed to the (instant) claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation . In particular, with respect to items 5 and 5.1 above, for database searches, the search logic used as a query, the name of the file(s) searched and the database service is required. Note, the provision of search terms to a third-party searcher used does not meet this requirement. Petitioner indicates that a Boolean text search of U.S. patents and published patent applications was requested of the searcher. If a Boolean text search was performed by the searcher in a U. S. patent database, petitioner is requested to identify any such database searched along with date searched and provide the search logic used as a query. Further, Petitioner should identify whether the text search logic used was utilized in combination with the identified field of search (i.e. class 703 subclasses 9 and 10, and class 702, subclasses 6-13) or separate therefrom (i.e. the identified subclasses were searched in their entirety). Clarification is required. Further, with respect to item II.5.2 above, claim limitations some of which have been identified as patentable features distinguishing the claimed invention from the cited prior art (such as "boundary limits", "extreme levels", "fitting data" "ranges" of parameters in claims 1, 10, and 18; "compute correlations" and "utilizing validated..parameters" in claims 2, 11 and 18; "collecting characterization data" in claims 3, 12 and 18; "sensitivities" of parameters in claims 4, 13 and 17) or any search terms covering these limitations do not appear to have been included in the search. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure the search covered these concepts, and update the search and/or provide any clarifications if deemed necessary. Additionally, since the petition does not indicate in what manner the key words were used with operators, it is unclear whether or not the claims were given the broadest reasonable interpretation. Specifically, it appears that the search logic included a narrow interpretation of the term "proxy model". It is suggested that petitioner ensures that terms such as "sub-model" or "bridge" be searched in the context of modeling/simulation process, since claimed proxy model acts as a sub-model or bridge in the context of the claimed process. Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 703 subclasses 2 (Modeling) and 6 (Simulating Non-electrical) ; Class 73 (Measuring and Testing) subclasses 152.01 – 152.62 (specific to Borehole or Drilling. This additional search area was confirmed with a Primary examiner in the pertinent art area (Class 703).

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.2 above, section 9(B) of the Accelerated Examination support Document only provides a general discussion of pertinent references. Applicant should provide a claim-by-claim mapping of the pertinent subject matter disclosed in each of the references, specifically identifying each claim limitation and

[1] MPEP 8th ed. rev 5 August 2006

corresponding disclosure within the reference, citing to specific relevant portions of each reference. Examples can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document". In addition, petitioner should review the Detailed Explanation of Patentability section in view of changes and clarifications added to section 9(A) and provide clarifications, if deemed necessary, to ensure compliance with the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(4) and item 6.4 above, the concise statement of the utility ***must be of the invention as defined in each of the independent claims*** (reference must be made to independent claims 1, 10 and 18). It is noted that the statement of utility provided in the Accelerated Examination support Document appears to be relevant to the subject matter of claims 1, 10 and 18.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the Accelerated Examination Support Document only identifies specific figures and portions of text in the specification as providing support under 35 U.S.C. 112, First paragraph, but fails to identify each claim limitations and the corresponding support in the cited portions of specification. Clarification and identification of support is required. Similar clarification and identification of support is required for each claim limitation in Provisional application 60/763973, from which the instant application claims benefit under 35 U.S.C. 120.

It is noted , with respect to the requirements under 6.6 above, that the Cullick reference cited in the IDS and discussed in the Accelerated Examination Support Document appears to have at least one common inventor and assigned to the same assignee as the instant application, and may be eligible to be disqualified as prior art under 35 U.S.C. 103(c). Applicant is requested to either make such a statement or clarify that it is not eligible for disqualification as prior art under 35 U. S. C. 103 (c).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki, Quality Assurance Specialist, at (571) 272-3719.

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 8 - 2007

Technology Center 2100

03/06/07

WITHERS & KEYS, LLC
P. O. BOX 2049
MCDONOUGH GA 30253

In re Application of:
Cullick et al.
Serial No.: 11/669,911
Filed: January 31, 2007
Docket: 41002.0002USU1/2005-IP-18
Title: METHODS, SYSTEMS, AND COMPUTER-READABLE MEDIA FOR FAST UPDATING OF OIL AND GAS FIELD PRODUCTION MODELS WITH PHYSICAL AND PROXY SIMULATORS

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 supplemental decision on the petition filed on 1/30/07 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The prior decision mailed on February 27, 2007 stated that applicant's submission was deficient, specifically pointing out how the petition failed to comply with several requirements set forth in 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). This supplemental decision is being issued to point out a deficiency in the petition not addressed in the prior decision, and set forth below:

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the must satisfy the following condition:

The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy or countering terrorism. See 37 CFR 1.102(c) (2).

37 CFR 1.102(c) states in part :

37 CFR 1.102. A petition to make an application special may be filed without a fee if the basis for the petition is:

....

(2) That the invention will materially:

...

(ii) Contribute to the development or conservation of energy resources;

A grantable petition under 37 CFR 1.102(c) and MPEP 708.02, section IV, must be accompanied by the showing that the application is for an invention which materially contributes to (1) the discovery or development of energy resources, or (2) the more efficient utilization and conservation of energy resources. Examples of inventions in category (1) would be developments in fossil fuels (natural gas, coal, and petroleum), nuclear energy, solar energy, etc. Category (2) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipments, household appliances, etc. A petition under M.P.E.P. 708.02, Section VI, should be accompanied by verified statements under 37 C.F.R. 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office explaining how the invention materially contributes to category (1) or (2).

While the petition filed January 30, 2007 does include a statement that the claimed subject matter in the instant application will materially contribute to the discovery or development of energy resources, the statement is inadequate to establish for the record ***how*** the claimed subject matter in the instant application will materially contribute to the discovery or development of energy resources.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. It is noted that this supplemental decision effectively restarts the response period set forth in the original decision.

Any request for reconsideration must address, in addition to the deficiencies outlined in the original decision mailed February 27, 2007, the deficiencies indicated above, either by way of payment of a petition fee of $130.00 under 37 CFR 1.17(h), or by a showing that the claimed subject matter in the instant application will materially contribute to the discovery or development of energy resources as outlined above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki, Quality Assurance Specialist, at (571) 272-3719.

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 30 2007

Technology Center 2100

WITHERS & KEYS, LLC
P. O. BOX 2049
MCDONOUGH GA 30253

In re Application of:
Cullick et al.
Serial No.: 11/669,911
Filed: January 31, 2007
Docket: 41002.0002USU1/2005-IP-18
Title: METHODS, SYSTEMS, AND COMPUTER-READABLE MEDIA FOR FAST UPDATING OF OIL AND GAS FIELD PRODUCTION MODELS WITH PHYSICAL AND PROXY SIMULATORS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on April 9, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on January 31, 2007 was dismissed in the decision mailed on February 27, 2007 and the Supplemental decision mailed March 8, 2007.

It is noted that although the Detailed Explanation of patentability provided in the instant petition does not specifically mention all of the dependent claims as required in MPEP § 708.02(I.)(I)(3) and item 6.3 of the conditions for petition under 37 CFR § 1.102, it is apparent that the dependent claims not discussed (specifically claims 6,8,9,14,16, 17 and 19-20) further limit and stand with the base claims from which they depend. If applicant amends in the future to move any of these dependent claim(s) into the base claim(s) from which it depends, it would be **required** for Petitioner to file a supplemental examination support document to explain the patentability of the claims as amended, in accordance with this item.

Further, petitioner has established on the record how the claimed subject matter will materially contribute to the development of energy resources pursuant to 37 CFR 1.102(c).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki at (571) 272-3719.

Kakali Chaki, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security

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 LLC
P. O. BOX 2903
MINNEAPOLIS, MN 55402-0903

COPY MAILED

SEP 10 2007

OFFICE OF PETITIONS

In re Application of :
Alvin Stanley Cullick et al :
Application No. 11/669,911 : DECISION GRANTING PETITION
Filed: January 31, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. :
60102.0012USU1/018166

This is a decision on the petition, filed September 10, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 6, 2007 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 the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2128 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\Sept10\669911.wpd

---

[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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

David Aker
23 Southern Road
Hartsdale NY 10530

COPY MAILED

NOV 26 2007

OFFICE OF PETITIONS

In re Application of :
Andry, et al. : DECISION REFUSING STATUS
Application No. 11/669,924 : UNDER 37 CFR 1.47(a)
Filed: January 31, 2007 :
Atty. Dkt. No.: YOR920040306US1 :
For: STRUCTURE AND METHOD FOR :
CREATING RELIABLE DEEP VIA :
CONNECTIONS IN A SILICON :
CARRIER :

This decision is in response to the petition under 37 CFR 1.47(a) filed October 1, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed January 31, 2007 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed February 26, 2007. The Notice required, *inter alia*, a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

At to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or

declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners indicate that the non-signing inventor was not reachable at his last known telephone number. Petitioners further indicate that the postal service was unable to provide current address for the non-signing inventor. Petitioners further indicate that Inventor Andry has had some contact with the non-signing inventor. Petitioners allege that diligent effort has been made to locate the non-signing inventor.

Where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration).

While it is acknowledged that petitioners have made some effort to locate the non-signing inventor, these efforts cannot be said to have been diligent.

Where inability to find or reach a non-signing 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 non-signing inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the non-signing inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions. *See*, MPEP 409.03(d).

Any renewed petition should establish that despite diligent efforts to locate the non-signing inventor, the non-signing inventor cannot be locate for presentation of the application papers.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand: U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KLONY LIEBERMAN
VKB
5 Nahum Hefzad St.
Jerusalem, IL Isreal

MAR - 1 2007

In re Application of:
Klony Lieberman
Serial No.: 11/669,948
Filed: February 01, 2007
Docket: 58251_C
Title: APPARATUS AND METHOD FOR MONITORING HAND PROPINQUITY TO PLURAL ADJACENT ITEM LOCATIONS

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 01, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NIDEC CORPORATION
c/o KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Nakaba Kataoka	: DECISION ON REQUEST FOR
Patent Number	: 7588444	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/669,949	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **161** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.