SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/11/2010

TO SPE OF : ART UNIT 2162 (2100)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/684,805 Patent No.: 7,634,475

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

Ernest C. White, LIE
Randolph Sq. Ste 9D62A
703-756-1590

Thank You For Your Assistance

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

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

_____

_____

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SPE /John E Breene/ **ART UNIT** 2162

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Dianna DeVore
Jiva Biosciences, Inc.
1001 Mariposa Street Unit 305
San Francisco CA 94107

COPY MAILED

MAR 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Dianna Devore	:	DECISION ON
Application No. 11/684,808	:	PETITION
Filed: March 12, 2007	:	
Atty Docket No. JIVA-002US1	:	

This is a decision on the "PETITION FOR REVIVAL AND RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION" filed November 13, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed March 30, 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. No reply having been received, the above-identified application became abandoned on May 31, 2007. The filing of this petition precedes the mailing of a courtesy Notice of Abandonment.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition included the required reply in the form of an executed declaration and the late surcharge; the petition fee; and the required statement of unintentional delay. No terminal disclaimer is required. The requirements of 37 CFR 1.137(b) have been satisfied.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See

In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,115 extension of time fee submitted with the petition on November 13, 2007 was submitted subsequent to the maximum extendable period for reply, this fee is unnecessary and is being refunded to the sole inventor's Credit Card.

The Office of Patent Application Processing (formerly known as the Office of Initial Patent Examination) has been advised of this decision. The application is, thereby, being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed November 13, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/684,817	03/12/2007	Hiroshi NAKANE	304814US2	3504

7590 02/20/2009

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**
02/20/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 02/19/2009 BPOWELL
03/13/2007 INTEFSW 00000068 11684817
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

Adjustment date: 02/19/2009 BPOWELL
03/13/2007 INTEFSW 00000068 11684817
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

02/19/2009 Refund Ref: 0030066817

Credit Card Refund Total: $900.00

Am Exp..: XXXXXXXXXX1001

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 12/11/08

DATE : **12/9/2008**

TO SPE OF : ART UNIT **2624 (2600)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/684,841** Patent No.: **7,454,071**

Attn: Ali Bayat

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)
South Tower - 9A22
Palm Location 7580

***ATTN: Ok to enter " Prior Art" to figure 2, as requested in COCIN?**

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

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: _____

_____

_____

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3850296
4248346
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WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS MI 49503-2489

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AUG 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Baarman, David W. :
Application No. 11/684,860 : DECISION GRANTING PETITION
Filed: March 12, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 120270.121648 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed July 1, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/444,794, filed February 4, 2003, as set forth in the amendment to the specification filed May 22, 2009 and in the Application Data Sheet (ADS) filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The intermediate nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/444,794, which was filed on February 4, 2003, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2838 for appropriate action on the amendment submitted May 22, 2009, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/444,794.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/684,860	03/12/2007	2838	2650	120270.121648	41	6

CONFIRMATION NO. 3584

CORRECTED FILING RECEIPT

28440
WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS, MI 49503-2489

OC000000037192294

Date Mailed: 08/03/2009

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

Applicant(s)

David W. Baarman, Fennville, MI;

Assignment For Published Patent Application

ACCESS BUSINESS GROUP INTERNATIONAL LLC, Ada, MI

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/689,499 10/20/2003 PAT 7,212,414
which claims benefit of 60/444,794 02/04/2003
and is a CIP of 10/175,095 06/18/2002 PAT 6,673,250
which is a CIP of 09/592,194 06/12/2000 PAT 6,436,299
which claims benefit of 60/140,090 06/21/1999
and claims benefit of 60/140,159 06/21/1999

Foreign Applications

If Required, Foreign Filing License Granted: 03/22/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/684,860**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ADAPTIVE INDUCTIVE POWER SUPPLY

Preliminary Class

363

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS, MI 49503-2489

Mail Date: 04/21/2010

Applicant	: David W. Baarman	: DECISION ON REQUEST FOR
Patent Number	: 7639514	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/684,860	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

PATTERSON & SHERIDAN, LLP - - APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

COPY MAILED
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Applicant: Melcer
Appl. No.: 11/684,888
Filing Date: March 12, 2002
Title: METHOD AND APPARATUS FOR PRESSURE AND MIX RATIO CONTROL
Attorney Docket No.: APPM/008848.P01/SYNX/SYNX
Pub. No.: US 2007-0204702 A1
Pub. Date: September 6, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 10, 2007, for the above-identified application.

The request is DISMISSED as moot.

Since the application has already issued as U.S. Patent No. 7,437,944 on October 21, 2008, the request is deemed moot.

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

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

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WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

Mail Date: 04/21/2010

Applicant	: KENNETH P. MALLY	: DECISION ON REQUEST FOR
Patent Number	: 7581688	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/684,901	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **191** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KOESTNER BERTANI LLP
2192 Martin St.
Suite 150
Irvine, CA 92612

Mail Date: 04/21/2010

Applicant	: Anthony R. Pilon	: DECISION ON REQUEST FOR
Patent Number	: 7599805	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/684,923	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Laurence HAMID :
Application No. 11/685,026 : DECISION ON PETITION
Filed: March 12, 2007 : TO WITHDRAW
Attorney Docket No. IVPH-0778 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 10, 2007.

The request is **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 Michael P. Dunnam on behalf of all attorneys/agents of record associated with Customer Number 23377.

All attorneys/agents of record associated with Customer Number 23377 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 is an outstanding Office action mailed February 14, 2008 that requires a reply by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: LAURENCE HAMID
561 BROOKRIDGE CRESCENT
OTTAWA, K4A 1Z3
CANADA

PERKINS COIE
1201 THIRD AVENUE
SUITE 4800
SEATTLE, WA 98101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/685,026	03/12/2007	Laurence Hamid	IVPH-0778

CONFIRMATION NO. 3888

POWER OF ATTORNEY NOTICE

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Date Mailed: 03/03/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2007.

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

/dcgoodwyn/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/685,075	03/12/2007	Ashwin Palekar	14917.0430USC1	3986

27488 7590 06/11/2008

MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
VU, KIM Y	

ART UNIT	PAPER NUMBER
2135	

MAIL DATE	DELIVERY MODE
06/11/2008	PAPER

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

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

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Rene A. Pereyra
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of:
Ashwin PALEKAR et al.
Application No.: 11/685,075
Filed: March 12, 2007
For: TLS TUNNELING

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 23 January 2008, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 23 January 2008 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. 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 petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 23 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

PTO/SB/130 (03-09)
Approved for use through 04/30/2009. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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

Application Information

Application Number	11/685,144	Confirmation Number	4111	Filing Date	2007-03-12
Attorney Docket Number (optional)	T4339-14240US07	Art Unit	3748	Examiner	Nguyen, Hoang
First Named Inventor	Goldman, Arnold J.				
Title of Invention	Hybrid Generation with Alternative Fuel Sources				

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
Arnold	J	Goldman	

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	/Frederick F. Rosenberger/	Date (YYYY-MM-DD)	2009-04-30
Name	Frederick F. Rosenberger	Registration Number	61404

PTO/SB/130 (03-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Arnold J. Goldman

Application No. 11685144

Filed: March 12,2007

Attorney Docket No. T4339-14240US07

:
:
: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 30-APR-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.

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CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

Mail Date: 04/23/2010

Applicant	: Mike Ovsiannikov	: DECISION ON REQUEST FOR
Patent Number	: 7664857	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/685,154	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **504** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

Mail Date: 05/11/2010

Applicant	: Allen Samuels	: DECISION ON REQUEST FOR
Patent Number	: 7619545	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/685,157	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

MAY 27 2010

OFFICE OF PETITIONS

In re Application of :
Robert Plamondon :
Application No.: 11/685,159 : ON PETITION
Filed: March 12, 2007 :
Attorney Docket No.: 2006579-0942 (CTX-337) :

This is a decision on the petition, filed May 26, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 26, 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 2454 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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Quickpatents, Inc.
32861 Calle Perfecto
Suite A
San Juan Capistrano, CA 92675

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of
Jonathan Paul Capriola
Application No. 11/685,178
Filed: March 12, 2007
Attorney Docket No. JC70129

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 25, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Kevin Prince on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Kevin Prince at the address indicated below.

There is an outstanding Office action mailed January 25, 2005 that requires a reply from the applicant.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **John Capriola**
PO Box 22003
Sarasota, FL 34276

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/685,178	03/12/2007	Jonathan Paul Capriola	JC70129

CONFIRMATION NO. 4154

POWER OF ATTORNEY NOTICE

56029
QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO, CA 92675

Date Mailed: 07/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/25/2009.

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

/tswilliams/

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

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YING CHEN
Chen Yoshimura LLP
255 S. GRAND AVE.
215
LOS ANGELES, CA 90012

Mail Date: 04/20/2010

Applicant	: Sui-An Wu	: DECISION ON REQUEST FOR
Patent Number	: 7611213	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/685,224	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CSSN INC.
CARD SCANNING SOLUTIONS
10350 SANTA MONICA BLVD.
SUITE 330
LOS ANGELES CA 90025

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FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Hatzav et al. :
Application No. 11/685,235 : ON PETITION
Filed: March 13, 2007 :
Title: UNIFORM ILLUMINATION FOR :
CAMERA BASED SCANNING DEVICES

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 21, 2007, 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.

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]

The instant petition lacks item (1). Petitioner submitted an Oath/Declaration. The Notice mailed March 30, 2007 also required payment of a $65.00 late oath/declaration surcharge. The fee is necessary for revival.

Further, the petition must be signed by:

---

[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).

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

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

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

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

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

Since the petitioner is both the assignee and one of the applicants, either (3) or (5) can apply. If petitioner wishes to file the petition as the assignee, a Statement under 37 CFR 3.73(b) is required. 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A blank 37 CFR 3.73(b) statement is enclosed for petitioner's convenience.

Should petitioner choose to sign as an inventor, the remaining three inventors also need to sign the petition to revive.

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/96 – Statement under 37 CFR 3.73(b)

PTO/SB/96 (01-08)
Approved for use through 01/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), 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 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ _____
Signature Date

_____ _____
Printed or Typed Name Telephone Number

_____
Title

This collection of information is required by 37 CFR 3.73(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 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CSSN INC.
CARD SCANNING SOLUTIONS
10350 SANTA MONICA BLVD.
SUITE 330
LOS ANGELES CA 90025

COPY MAILED

MAY 23 2008

In re Application of	:	
Hatzav et al.	:	
Application No. 11/685,235	:	DECISION ON PETITION
Filed: March 13, 2007	:	
Title: UNIFORM ILLUMINATION FOR CAMERA BASED SCANNING DEVICES	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has now submitted the $65.00 late surcharge and the Statement under 37 CFR 3.73(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/685,267	03/13/2007	KINICHI MITSUI	JP920050177US1	4318

27431 7590 08/04/2008

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
HERNDON, HEATHER R	
ART UNIT	**PAPER NUMBER**
2176	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 04 2008

TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: KINICHI MITSUI
Application No. 11/685,267
Filed: March 13, 2007
For: SYSTEM AND METHOD FOR PERFORMING PROCESSING, SUCH AS SPREADSHEET PROCESSING

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 24, 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, and accordingly, 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

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

COPY MAILED

NOV 26 2008

In re Application of :

MASHRA, Ahmed et al. :
Application No. 11/685,278 : DECISION ON PETITION
Filed: March 13, 2007 : TO WITHDRAW
Attorney Docket No. **15009-000001** : 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 11, 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 Jeffrey L. Synder on behalf of all attorneys of record who are associated with customer No. 27572. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **AHMED MASHRA**
5450 TERNES STREET
DEARBORN, MI 48126

cc: **ROBERT A. PASEK**
GRS CONSTRUCTION
4403 REILLY DRIVE
TROY, MI 48085-4916

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Brian Freeman :
Application No. 11/685,320 : DECISION ON PETITION
Filed: March 13, 2007 : TO WITHDRAW
Attorney Docket No. FREB 0101 PUS1 : 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 25, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Brooks Kushman, PC has been revoked by the applicant of the patent application on May 23, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: BRIAN RENDELL FREEMAN
109 PERCY PLACE
GEORGETOWN, KY 40324

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 18 2008

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552

In re Application of	:	
Yi, et al.	:	
Application No. 11/685,347	:	DECISION
Filed: 13 March, 2007	:	
Attorney Docket No. 1896	:	

This is a decision on the petition filed on 5 October, 2007, to obtain a filing date for the instant application under 37 C.F.R. §1.53.

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

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED in part** and **DISMISSED in part**.

BACKGROUND

The instant application was deposited on 13 March, 2006.

On 10 July, 2007, the Office of Patent Application Processing (OPAP) (formerly, the Office of Initial Patent Examination (OIPE)) mailed a Notice of Incomplete Nonprovisional Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without drawing as required under 35 U.S.C. §113 (first sentence).

OIPE indicated that Petitioner might:

- contend via petition that the drawings were submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503)), or that drawings were not necessary for a filing date; or

- submit the drawings and accept the later date of submission as the filing date.

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

On 5 October, 3007, Petitioner filed the instant petition with, *inter alia*, authorization for fee for extension of time (1 month)—the fee for which now is charged to Deposit Account 16-1852, as authorized—and a statement that "[n]o drawings were intended to be submitted with this application as indicated on Utility Patent Application Transmittal and Application Data Sheet."

In fact, there is not an indication that no drawings **were intended** to be submitted—rather, on each of Petitioner's referenced documents, the box indicating the presence of drawings is left unchecked (and/or number of drawings sheets left without a number).

Moreover, Petitioner does not make a statement as would be a proper response to the effect that drawings are not necessary for an understanding of the subject matter of the application (or, alternatively, drawings are not necessary for an understanding of the subject matter sought to be patented).

Nonetheless, as discussed below, the presence of one or more method claims is controlling.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office 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]

ANALYSIS

A search of the official file reveals that:

---

[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).

- Petitioner does not contest that the drawing(s) was/were not present upon deposit; and now specifically avers that the application was deposited without drawings; and

- notably, even a cursory review of the application claims reveal one or more method claims (e.g., Claims 1, 7, 8), and so there is at least one method/process claim present in the application.

It is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A)).

Thus, the argument of the petition is construed for the purposes of this decision to mean that drawings are not necessary for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.

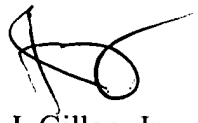
In view of the foregoing, the Notice mailed on 10 July, 2007, hereby is withdrawn to the extent that it indicates no filing date will be granted.

CONCLUSION

The petition is **granted in part** to the extent that the application will be accorded the filing date of 13 March, 2007, without the drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The Petition fee is waived and it does not appear to have been charged. Should Petitioner later find that a petition fee was charged in this regard, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

This application is being referred to (OPAP) (formerly, OIPE) to be processed for correction of the filing date to 13 March, 2007, with the 37 pages of specification (description, claims, abstract) deposited on 13 March, 2007, and **no** drawings as the original disclosure.

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/20/2010

Applicant	: Hochul Yi	: DECISION ON REQUEST FOR
Patent Number	: 7655786	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/685,347	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **220** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HELLER ERHMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO, CA 92122

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SEP 26 2008

OFFICE OF PETITIONS

In re Application of	:	
William TELFAIR, et al	:	
Application No. 11/685,351	:	DECISION ON PETITION
Filed: March 13, 2007	:	TO WITHDRAW
Attorney Docket No. 14076A-002310US	:	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 22, 2008.

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

A review of the file record indicates that the power of attorney to Heller Ehrman LLP, has been revoked by the assignee of the patent application on September 9, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER, NY 14604-2404

Mail Date: 04/21/2010

Applicant	: Jun Cai	: DECISION ON REQUEST FOR
Patent Number	: 7602017	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/685,364	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **289** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER, NY 14604-2404

Mail Date: 05/18/2010

Applicant : Jun Cai
Patent Number : 7602017
Issue Date : 10/13/2009
Application No: 11/685,364
Filed : 03/13/2007

: 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 **373** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

MAILED

JUL 24 2009

OFFICE OF PETITIONS

In re Application of	:	
John M. Jones et al	:	
Application No. 11/685,401	:	DECISION ON PETITION
Filed: March 13, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GDT-P0018-02	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 21, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

> Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:
>
> (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
>
> (2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
>
> (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The Request for Continued Examination (RCE) submitted with the petition on July 21, 2009, was not accompanied by a required submission. Therefore, the RCE is improper and not in compliance with 37 CFR 1.114.

For the reason stated above, the petition under 37 CFR 1.313(c)(2) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d).

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

MAILED

JUL 30 2009

OFFICE OF PETITIONS

In re Application of	:	
John M. Jones et al	:	
Application No. 11/685,401	:	DECISION ON PETITION
Filed: March 13, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GDT-P0018-02	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 30 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

> Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:
>
> (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
>
> (2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
>
> (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The Request for Continued Examination (RCE) submitted with the petition on July 21, 2009, was not accompanied by a required submission. Therefore, the RCE is improper and not in compliance with 37 CFR 1.114.

For the reason stated above, the petition under 37 CFR 1.313(c)(2) cannot be granted.

As stated in the decision mailed July 24, 2009, petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d).

The above application will proceed to issuance without the submission of a proper RCE with submission and petition to withdraw from issue.

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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BAKER & DANIELS LLP
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INDIANAPOLIS IN 46204

COPY MAILED

AUG 10 2009

OFFICE OF PETITIONS

In re Application of	:	
John M. Jones et al	:	
Application No. 11/685,401	:	DECISION ON PETITION
Filed: March 13, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GDT-P0018-02	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 6, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Compliance with none of the above has been met.

For the reason stated above, the petition under 37 CFR 1.313(c)(2) cannot be granted.

Petitioner should note that the repeatedly filing of the above petition will NOT withdraw the application from issuance. The application WILL proceed to issuance without the filing of a proper RCE with submission and petition to withdraw from issue.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d).

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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BAKER & DANIELD LLP
300 NORTH MERIDIAN STREET
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INDIANAPOLIS IN 46204

MAILED

AUG 13 2009

OFFICE OF PETITIONS

In re Application of	:	
John M. Jones et al	:	
Application No. 11/685,401	:	DECISION GRANTING PETITION
Filed: March 13, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GDT-P0018-02	:	

This is a decision on the petition filed August 10, 2009 which is being treated under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1791 for processing of the request for continued examination under 37 CFR 1.114 submitted on August 12, 2009 and for consideration of the concurrently filed amendment and the petition under 37 CFR 1.48(a), filed August 10, 2009.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/685,437	03/13/2007	Keiji Yasuda	1000409-000233	4607

7590 08/24/2009

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

EXAMINER	
LU, SHIRLEY	

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
08/24/2009	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: 08/21/2009 BPOWELL
03/14/2007 INTEFSW 00000154 11685437
02 FC:1111 -500.00 UP

Adjustment date: 08/21/2009 BPOWELL
03/14/2007 INTEFSW 00000154 11685437
02 FC:1111 -500.00 UP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/685,439	03/13/2007	Max Lagally	WARF-35660	4611

74281 7590 02/16/2010

WHYTE HIRSCHBOECK DUDEK S.C./WARF
INTELLECTUAL PROPERTY DEPARTMENT
555 East Wells Street, Suite 1900
Milwaukee, WI 53202

EXAMINER	
MEKHLIN, ELI S	

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
02/16/2010	ELECTRONIC

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

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

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

ptomailbox@whdlaw.com
jpolmatier@whdlaw.com

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WHYTE HIRSCHBOECK DUDEK S.C./WARF
INTELLECTUAL PROPERTY DEPARTMENT
555 East Wells Street, Suite 1900
Milwaukee WI 53202

FEB 16 2010

In re Application of	:	
Lagally et al.	:	DECISION ON PETITION
Application No. 11/685,439	:	TO MAKE SPECIAL UNDER
Filed: 3/13/2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. **WARF-35660**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/27/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/685,455	03/13/2007	Akiyuki Yokoyama	304778US2SDIV	4637

22850 7590 01/28/2008

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

EXAMINER	
MULLINS, BURTON S	

ART UNIT	PAPER NUMBER
2834	

NOTIFICATION DATE	DELIVERY MODE
01/28/2008	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/685,455	03/13/2007	Akiyuki Yokoyama	304778US2SDIV	4637

7590 01/28/2008

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

EXAMINER	
MULLINS, BURTON S	

ART UNIT	PAPER NUMBER
2834	

NOTIFICATION DATE	DELIVERY MODE
01/28/2008	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

Refund Ref:
01/25/2008 0030049653

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1002

Notice of Abandonment	Application No.	Applicant(s)	
	11/685,455	YOKOYAMA ET AL.	
	Examiner	Art Unit	
	Mullins, Burton S	2834	

-- 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.

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MAY 23 2008

OFFICE OF PETITIONS

Marianne Fuierer
Moore & Van Allen PLLC
PO Box 13706
RTP NC 27709

In re Application of
Dai, Wang, Sheridan
Application No.: 11/685,464
Filed: March 13, 2007
Attorney Docket No:**020972-005**
For: SMALL VOLUME LIQUID HANLING SYSTEM

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a)[1], filed September 21, 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 March 13, 2007, without a properly executed oath or declaration. Accordingly, a "Notice to File Missing parts of Nonprovisional Application" (the "Notice") was mailed on March 23, 2007, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The instant petition was filed on September 21, 2007, with a request fro an extension of time within the fourth month.

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

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

This application will be directed to the Office of Patent Application Processing 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

[1] As at least one of the joint inventors has executed the declaration, the petition is properly treated under 37 CFR 1.47(a), not 37 CFR 1.47(b).

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MARIANNE FUIERER
MOORE & VAN ALLEN, PLLC
P.O. Box 13706
RESEARCH TRIANGLE PARK, NC 27709

COPY MAILED

JUN 23 2008

In re Application of :
DAI, et al. :
Application No. 11/685,464 : DECISION ON PETITION
Filed: March 13, 2007 : TO WITHDRAW
Attorney Docket No. 020972-005 : 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 22, 2008.

The request is **APPROVED.**

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

The request was signed by Marianne Fuierer 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 correspondence address of record has been changed and the new correspondence address is the first address indicated below.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: BIOMACHINES, INC.
615 DAVIS DRIVE, SUITE 100
DURHAM, NC 27713

cc: RICHARD BRINSLEY SHERIDAN
105 GRANNON COURT
CARY, N 27519

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Steven L. Schmid
1824 Hickory Trace Dr.
Fleming Island FL 32003

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JAN 07 2010

In re Application of	:	
Stewart et al.	:	
Application No. 11/685,473	:	DECISION ON PETITION
Filed: March 13, 2007	:	
Attorney Docket No. AGE27.1	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before June 10, 2009, as required by the Notice of Allowability mailed March 10, 2009. Accordingly, the date of abandonment of this application is June 11, 2009. A 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 Corrected Drawings; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on November 18, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 22 2009

MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

In re Application of	:
Sehgal	:Decision on Petition
Serial No.: 11/685,474	:
Filed : 13 March 2007	:
Attorney Docket No.: 20935-65045	:

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on 5 March 2009 requesting reconsideration of the lack of unity requirement mailed 22 July 2008.

BACKGROUND

This application was filed as a national application under 35 USC 111(a) and as such is entitled to restriction practice under 35 USC 121.

On 22 July 2008, the examiner set forth a lack of unity requirement which divided the claims 1-12 into 2 groups as follows:

> Group I, claims 1-10, drawn to a method for treating vascular disease in a mammal, said method comprising administering in vivo a gutless adenoviral vector comprising the nucleotide sequence of SEQ ID NO 13 and/or SEQ ID No 15.
>
> Group II claims 11-12, drawn to a gutless adenoviral vector comprising the nucleotide sequence of SEQ ID NO 13 and/or SEQ ID No 15

The action then stated that the application contains claims directed to the following patentably distinct species:

> i) the SEQ ID NO or combination hereof contained within the gutless adenoviral vector, as recited in claims 1-2 and 11 and
> ii) promoters operably linked to the polynucleotide encoding thrombomodulin, as recited in claims 5, 8 and 12.

On 12 August 2008, applicants elected Group I, and species of SEQ ID No 13 and a constitutive promoter with traverse. Applicants indicated that Claims 1-5, 10 and 13-18 read upon elected invention/species. Applicants pointed out that the application w as filed under 35 USC 111(a) and was not subject to PCT Unity of Invention rules.

On 25 November 2008, the examiner considered the traversal, made some explanation with regard to restriction requirement practice and made the restriction requirement FINAL. Claims 2, 6-9, 11-12 and 14 were withdrawn from consideration as being directed to non-elected invention/species. Claims 1, 3-5, 10, 13 and 15-18 were examined as follows:

> Claims 1, 3-5, 10, 13 and 15-18 were rejected under 35 USC 112,2nd paragraph for failing to particularly point out the claimed invention.
>
> Claims 1, 3-5, 10, 13 and 15-18 were rejected under 35 USC 112, 1st paragraph for lack of enablement.
>
> Claims 1, 3-5, 10, 13 and 15-18 were rejected under 35 USC 103(a) as being unpatentable over French, in view of Kochanek and Bett.

On 25 February 2009, applicants filed a response to the Office action.

On 5 March 2009, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully. The petition is concerned about the election of species requirement between SEQ ID no 13, SEQ ID No 15 and the combination of SEQ ID No 13 and 15.

Representative claims are set forth below:

> 1. (Original) A method for treating a vascular disease in a mammal, said method comprising the steps of:
>
> administering intravenously an effective amount of a gutless adenoviral vector comprising a polynucleotide encoding a thrombomodulin protein or its variant,
>
> wherein said gutless adenoviral vector comprises the nucleotide sequence of SEQ ID NO:13 or SEQ ID NO:15.
>
> 2. (Original) The method of Claim 1, wherein said gutless adenoviral vector comprises the nucleotide sequence of SEQ ID NO: 13 and SEQ ID NO: 15.

Claim 2 and 1, respectively fit into the category of ABsp/Bsp, wherein claim 2 requires the combination of SEQ ID NO 13 and 15 while the elected species of claim 1 is the subcombination SEQ ID No 13.

MPEP 806.05(c) sets forth criteria for distinction between ABsp/Bsp:

> Where a combination as claimed requires the details of a subcombination as separately claimed, there is usually no evidence that combination ABsp is patentable without the details of Bsp. The inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility. This situation can be diagrammed as combination ABsp ("sp" is an abbreviation for "specific"), and subcombination Bsp. Thus the specific characteristics required by the subcombination claim Bsp are also required by the combination claim.

In this instance, in view of the claim format and guidance in MPEP 806.05(c) restriction cannot be required or maintained between the elected subcombination of SEQ ID No 13 and the non-elected combination of SEQ ID No 13 and 15.

Moreover, all claims are considered generic to the species of SEQ ID No 13 and 15 because no claim is pending which is limited to either SEQ ID No 13 or limited to SEQ ID No 15. Concerning the election of species between SEQ ID No 13 and SEQ ID No 15, MPEP 808.02 states in part:

> In applications where only generic claims are presented, restriction cannot be required unless the generic claims recite or encompass such a multiplicity of species that an unduly extensive and burdensome search would be necessary to search the entire scope of the claim. See MPEP § 803.02 and § 809.02(a)

Because there are no claim limited to either SEQ ID No 13 or limited to SEQ ID No 15, restriction would only be permitted if the claims recite or encompass a multiplicity of species such that an unduly extensive and burdensome search would be necessary to search entire scope of the claims.

Because the generic claims are written in Markush claim format, wherein the Markush group in claim 1 is directed to two members, SEQ ID No 13 and SEQ ID No 15. MPEP 803.02 states:

> If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they may be directed to independent and distinct inventions. In such a case, the examiner will not follow the procedure described below and will not require provisional election of a single species. See MPEP § 808.02.

In this instance, in view of the prosecution history of the instant application, it would not result in an unduly burdensome search and examination for the Office to examine the Markush group limited to SEQ ID No 13 and 15.

DECISION

The petition filed under 37 CFR 1.144 on 3 March 2008 is **GRANTED-IN-PART**.

The restriction requirement set forth between Groups I and II on 22 July has been maintained.

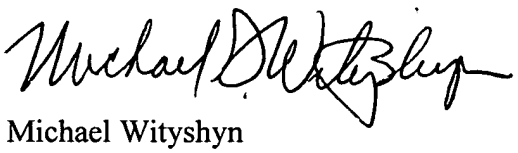
The election of species requirement between SEQ ID No 13 or SEQ ID No 15 has been withdrawn.

The election of species requirement between SEQ ID NO 13 and the combination of SEQ D No 13 and 15 has been withdrawn.

The application will be forwarded to the examiner to consider the papers filed 26 February 2009 and to prepare a non-final Office action consistent with this petition decision.

Any request for reconsideration of this petition decision should be mailed within two (2) months from the mail date of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-272-8300.



Michael Wityshyn
Acting Director, Technology Center 1600

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OFFICE OF PETITIONS

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of
Wenxin Zheng
Application No. 11/685,488
Filed: March 13, 2007
Attorney Docket No. **006849.00029**

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 October 28, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

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).

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 at this present time.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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FAEGRE & BENSON, LLP
ATTN: PATENT DOCKETING (32469)
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

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APR 20 2009

OFFICE OF PETITIONS

Applicant: Westlund, et al.
Appl. No.: 11/685,511
Filing Date: March 13, 2007
Title: LEAD AND APPARATUS FOR STIMULATION OF THE CARDIAC PLEXUS
Attorney Docket No.: 342749
Pub. No.: US 2008/022825 A1
Pub. Date: September 18, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 30, 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 specification wherein a line of text is missing from paragraph [006], in the summary of the invention.

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

The error in omitting the line of text may be an Office error but the error is not a material error. The line of text missing from the summary of the invention is described on pages 9-10 of the detailed description of the invention, thus the public is able to appreciate the technical disclosure of the patent application 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 from the remainder of the specification and the claims.

Applicants are advised that a "request for republication of an application previously published"

[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).

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

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United States Patent and Trademark Office
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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Marcelino M. Dignum	: DECISION ON REQUEST FOR
Patent Number	: 7647444	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/685,516	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **203** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GORDON & JACOBSON
SUITE 407
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STAMFORD, CT 06902

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of :
Sundaram Ravikumar :
Application No. 11/685,522 : DECISION ON PETITION
Filed: March 13, 2007 : TO WITHDRAW
Attorney Docket No. RAV-028 : FROM RECORD
:

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

The request is **APPROVED**.

The request was signed by David P. Gordon on behalf of the practitioners of record associated with Customer Number 36822.

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

All future correspondence will be directed to inventor Sundaram Ravikumar at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Sundaram Ravikumar
265 Hardscrabble Road
Briarcliff Manor, NY 10510

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
Matthews, et al. :
Application No. 11/685,528 : DECISION REFUSING STATUS
Filed: March 13, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. USF-258PTX :

This is in response to the petition under 37 CFR 1.47(a), filed November 1, 2007.[1]

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

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification,

[1] The petition was filed in response to a Notice to File Missing Parts mailed March 28, 2007. The petition was made timely by including a Certificate of Mailing dated October 29, 2007, and by purchasing a five month extension of time (October 28, 2007 fell on a Sunday. See 37 CFR 1.7(a)).

claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirements (1) and (4) above.

Rule 47 applicant has not demonstrated diligent effort in attempting to find non-signing inventor Heim. With respect to showing diligent effort, "an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made."[2] Here, Applicant has provided no documentary evidence, such as a copy of an internet search.[3] Rather, Applicant has only stated that he was "told that no one has contact information for Dr. Heim". Rule 47 applicant has provided no details as to what efforts were made to locate Heim.

With respect to requirement (4), Rule 47 applicant has not provided a statement of the last known address of Heim.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[2] MPEP 409.03(d).

[3] Such documentary evidence should be made part of the affidavit or declaration. See id.

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GAINESVILLE FL 32614-2950

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MAY 27 2008

In re Application of :
Matthews, et al. :
Application No. 11/685,528 : DECISION REFUSING STATUS
Filed: March 13, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. USF-258PTX :

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 29, 2008.

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

With the instant renewed petition, petitioner has stated that a copy of the application papers was forwarded to Heim on April 2, 2007. However, as of the date of the petition, no executed declaration from Heim has been received.

Accordingly, it is concluded that petitioner has demonstrated that inventor Heim has refused to sign the declaration after having been presented with the application papers.

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

The matter is being forwarded to Group Art Unit 3738 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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AUGUST HEIM
4202 EAST FOWLER AVE
PHY 114
TAMPA FL 33620-5700

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MAY 27 2008

In re Application of
W. Garrett Matthews, August Heim,
Thomas J. Koob
Application No. 11/685,528
Filed: March 13, 2007
Title: Self-Assembling, Collagen-Based Material for Corneal Replacement

LETTER

Dear Mr. Heim:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

Mail Date: 04/21/2010

Applicant	: George R. Sotsky	: DECISION ON REQUEST FOR
Patent Number	: 7578463	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/685,562	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **147** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston IL 60201

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APR 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Kerry Quinn and	:	
Cameron Mikos	:	DECISION REFUSING STATUS
Application No. 11/685,563	:	UNDER 37 CFR 1.47(a)
Filed: March 13, 2007	:	
Atty Docket No. 1231/11 (20111-P1)	:	

This is a decision on the "PETITION UNDER 37 C.F.R. 1.47" filed October 24, 2007.

The petition is **DISMISSED**.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on March 13, 2007, without an executed oath or declaration. Accordingly, on March 26, 2007, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and the surcharge for late filing under § 1.16(e).

In response, rule 47 applicants filed the instant petition, along with payment of the petition fee and the late surcharge. This response was made timely by an accompanying petition (and fee) for extension for response within the fifth month.

The petition includes a declaration executed by inventor Quinn on behalf of him or herself and on behalf of non-signing inventor Mikos. Rule 47 applicants request acceptance of the declaration without the signature of inventor Mikos pursuant to 37 CFR 1.47(b). The petition includes an affidavit of patent attorney Paul Hletko, setting forth the facts relied on to show that the non-signing inventor is unavailable.

Preliminarily, applicant is advised that this petition is considered pursuant to the requirements of 37 CFR 1.47(a). Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. Here, joint inventor Quinn is available. Accordingly, relief is properly sought under 37 CFR 1.47(a).

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

Rule 47 applicants have not submitted adequate proof that the non-signing inventor has refused to join in the application. Before a refusal can be alleged, applicants must demonstrate that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. 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. See MPEP 409.03(d). Rule 47 applicants have alleged refusal, but have not submitted proof that the non-signing inventors were presented with all of the application papers. The evidence submitted only supports a

conclusion that the declaration and assignment were presented to the inventors. There is nothing in the record that overcomes a conclusion that the formal documents sent to the inventor by email and letter only included at most the declaration and assignment.

Moreover, with respect to any email presentation, the record must show that the inventor received and was able to open the email communication. Unless the inventor acknowledges receipt of the contents of the email communication, it cannot be inferred that his failure to respond to the email constitutes a refusal. He may have not responded because he did not receive the email or he received it and was unable to open and read it.

Alternatively, rule 47 applicants have not alleged or shown that they cannot reach or find inventor Mikos after diligent effort. If all of the application papers are again mailed to inventor Mikos, then they should be mailed by registered mail return receipt to ensure evidence of receipt. Otherwise, the evidence presented may be inadequate to show presentation of the papers. (For example, it may be unclear whether the delivery service did not get a signature because the inventor is no longer at the address used). In the event that inventor Mikos cannot be reach or found, any attempts to locate the non-signing inventor by means such as through employment records, directory assistance, or the Internet should be documented on petition. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicants should also submit documentary evidence such as the results of any Internet search.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GORDON & JACOBSON
SUITE 407
60 LONG RIDGE ROAD
STAMFORD, CT 06902

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of :
Sundaram Ravikumar :
Application No. 11/685,586 : DECISION ON PETITION
Filed: March 13, 2007 : TO WITHDRAW
Attorney Docket No. RAV-026 : FROM RECORD
:

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

The request is **APPROVED**.

The request was signed by David P. Gordon on behalf of the practitioners of record associated with Customer Number 36822.

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

All future correspondence will be directed to inventor Sundaram Ravikumar at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Sundaram Ravikumar
265 Hardscrabble Road
Briarcliff Manor, NY 10510

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4/16/07

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APR 17 2007

Technology Center 2100

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

In re Application of: Sakakibara, et al.
Serial No.: 11/685,594
Filed: March 13, 2007
Docket: 500.43368CX2
Title: DISK ARRAY SYSTEM

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 13, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I. 1-4, II. 1-6.1, 6.5 & 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 6.2-6.4 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

With regard to the requirement of MPEP § 708.02(a)(I)(2) and item 6.2 above, Petitioner's identification of limitations in the claims, in conjunction with item 6.1 above, must provide an identification of ALL references cited, that is, those references cited in accordance with item 6.1 are in fact those references (patents, NPLs and publications) deemed to be the most closely related. Petitioner must provide a detailed discussion of each of the identified references, identifying subject matter by way of figure, page, column and line numbers, as appropriate, as they pertain to ALL of the claim limitations (i.e. independent and dependent claims) of the instant application. By way of further example, it is unclear how at least two cited references in the attached form PTO-1449 filed with the instant petition (U.S. Pat. No. 6,477,619 & U.S. Pub. 2004/0228087) ***and*** were used in a rejection of claims in a parent application (11/367,594), are apparently not deemed to be "most closely related" by Petitioner to warrant a detailed description in the instant petition.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above, 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." Petitioner fails to point out the patentable novelty with respect to the remaining references cited on form PTO-1449 and provided with the instant petition, but not described. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. For these reasons, the petition does not meet the requirement of MPEP § 708.02(a).

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 <u>each</u> of the independent claims*** (reference must be made to system claim 1 as well as method claim 11).

Thus, the petition does not meet the conditions II. 6.2-6.4 above.

DECISION

For the above-stated reasons, the petition is **<u>DISMISSED</u>**. 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 Brian Johnson, Quality Assurance Specialist, at (571) 272-3595.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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06/12/2007

MATTINGLY, STANGER, MALUR &
BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

In re Application of:
Sakakibara, ET AL.
Serial No.: 11/685,594
Filed: March 13, 2007
Docket: 500.43368CX2
Title: DISK ARRAY SYSTEM

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on May 17, 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 March 13, 2007 was dismissed in the decision mailed on April 17, 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 Brian Johnson, Quality Assurance Specialist, at (571) 272-3595.

Brian Johnson, WQAS 2110
Technology Center 2100
Computer Architecture, Software and Information Security

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CARDINAL LAW GROUP
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1603 ORRINGTON AVENUE
EVANSTON IL 60201

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SEP 25 2008

OFFICE OF PETITIONS

In re Application of :
Kerry Quinn et al. :
Application No. 11/685,601 :
Filed: March 13, 2007 :
Attorney Docket No. **1231/10 (20110-P1)** :

DECISION ON PETITION
UNDER § 1.183

This is a decision on the petition, filed June 27, 2008, under 37 CFR 1.47(a), which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signatures of all inventors as required by §§ 37 CFR 1.67 and 1.63.[1]

The petition is **GRANTED**.

All of the joint inventors, signed the original declaration for patent filed in this application, pursuant to § 1.63(d), However, the oath did not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. The oath as presented acknowledged a duty to disclose under 37 CFR 1.56(a) only, as a result, a substitute declaration was required by the non-Final Office Action mailed January 28, 2008. In response thereof, the supplemental oath/declaration is signed by all joint inventors except Cameron Mikos.

Petitioners assert that copies of the application materials including the supplemental declaration were forwarded to and delivered to Mr. Mikos' last known address but to date he has not returned an executed copy of same.

The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing evidence provided, it is concluded that waiver of the requirement that the supplemental declaration be signed by joint inventor Mikos is appropriate.

---

[1]Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

Petitioner's deposit account no. 50-1713 has been charged in the amount of $400.00.

This matter is being referred to Technology Center 3721 for further examination as appropriate.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of
Shafer, James, Rath, and Eubank
Application No. 11/685636
Filed: 03/13/2007
Attorney Docket No. 074644-010500
Title: SYSTEM AND METHOD FOR TREATING WATER CONTAMINATED WITH METHANOL AND BORON

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 20, 2007. Petitioners obtained an extension of time for response within the third month. Accordingly, the petition is timely filed.

The petition is GRANTED.

Petitioners showed that the non-signing inventor, John W. James, constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, petitioners established that they mailed a copy of the application papers to the non-signing inventor through his attorney; however, Mr. James did not respond to the request to sign the declaration.

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

The petition fee of $200.00 will be charged to the Deposit Account.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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John W. James
#1 Silver Circle
Boulder, Wyoming 82923

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of
Shafer, James, Rath, and Eubank
Application No. 11/685636
Filed: 03/13/2007
Attorney Docket No. 074644-010500
Title: SYSTEM AND METHOD FOR TREATING WATER CONTAMINATED WITH METHANOL AND BORON

LETTER

Dear Mr. James:

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

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

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

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Paper No: __

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Application of
Hall, et al.
Application No. 11/685,642
Filed: 13 March, 2007
Attorney Docket No. P/5032-2

DECISION ON PETITION

This is a decision on the petition filed on 22 May, 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 13 March, 2007.

On 29 March, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items—to wit: "[p]age(s) 9 of the specification (description and claims)"—thus, the application had been accorded a filing date without that page.

OIPE indicated that Petitioner might:

- contend via petition that [p]age(s) 9 of the specification (description and claims) had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification; or

- submit [p]age(s) 9 of the specification (description and claims) and accept the date of submission as the filing date.

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

On 22 May, 2007, Petitioner submitted the instant petition, including therewith and averred, *inter alia*, that [p]age(s) 9 of the specification (description and claims) was a blank page generated by the word processing software and there was no content to [p]age(s) 9 of the specification (description and claims)—thus, Petitioner does not dispute the Notice of 29 March, 2007, and accepts the application as filed.

ANALYSIS

A search of the official file reveals that:

- on 13 March, 2007, Petitioner deposited the instant application;

- the Office record reflects that [p]age(s) 9 of the specification (description and claims) was missing upon deposit.

Petitioner avers that [p]age(s) 9 of the specification (description and claims) is a blank page, contains no data and no [p]age(s) 9 of the specification (description and claims) was submitted and, so, **it is concluded as of this writing that [p]age(s) 9 of the specification (description and claims) was not received by the Office on deposit of the application and thus is not due a 13 March, 2007, filing date.**

Accordingly, [p]age(s) 9 of the specification (description and claims) is not entitled to a filing date of 13 March, 2007

The Notice mailed on 29 March, 2007, was properly sent and will not be disturbed.

CONCLUSION

The petition is **dismissed as moot**; the petition fee is waived and it appears that no fee was

charged. Should Petitioner later find that a fee was charged Petitioner should request a refund from the Office of Finance and enclose a copy of this decision therewith.

This application is released to OIPE for further processing with a filing date of 13 March, 2007, without [p]age(s) 9 of the specification (description and claims); and further with direction to OIPE to ensure that Office records are consistent with this decision and provide to Petitioner, if necessary, an updated filing receipt also consistent with this decision.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

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

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

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GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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SEP 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Hall, et al.	:	
Application No. 11/685,642	:	DECISION
Filed/Deposited: 13 March, 2007	:	
Attorney Docket No. P-5032-2	:	

This is a decision on the petition filed on 20 February, 2008, seeking a filing date of 13 March, 2007, for blank page 9 (having no content) of the specification (description, claims, abstract), and properly considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 13 March, 2007.

On 29 March, 2007, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items—to wit: page 9 of the specification (description and claims)—thus, the application had been accorded a filing date without that page.

OPAP indicated that Petitioner might:

- contend via petition that the pages were present upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the pages; or
- submit the pages and accept the date of that submission as the filing date; or
- accept the application as deposited.

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

On 22 May, 2007, Petitioner submitted his original one- (1-) page petition, and averred, *inter alia*, that page 9 of the specification (description and claims) was a blank page generated by the word processing software and there was no content to page 9 of the specification (description and claims). Petitioner presented no date stamped receipt card as instructed by the 29 March, 2007, Notice ("... with evidence of such deposit ..."), acceded to the Notice of 29 March, 2007, accepted the application as filed—and so the petition was dismissed as moot on 4 January, 2008.

On 20 February, 2008, Petitioner filed the instant two- (2-) page petition, seeking therein a 13 March, 2007, filing date for a blank page 9 of the specification (description and claims), while conceding it is a blank page and contains no content. Petitioner states that "[w]e did not fight the word processing software. It insisted on printing a blank page with the number 9 on it."

ANALYSIS

A search of the official file reveals that:

- on 13 March, 2007, Petitioner deposited the instant application;
- the Office record reflects that [p]age(s) 9 of the specification (description and claims) was missing upon deposit.

Petitioner concedes that page 9 of the specification (description and claims) is a blank page and contains no data/content and no page 9 of the specification (description and claims) was submitted with content. Rather, Petitioner now argues that the blank page 9 (having no content) completes his specification. Once again Petitioner fails to comply with the instructions of the 29 March, 2007, Notice to provide a date-stamped receipt card ("... with evidence of such deposit ..."), consistent with the guidance of MPEP §503). However, a review of the record by the Office indicates that a blank page 9 (having no content) appears to have been present on deposit on 13 March, 2007.

Thus, it is concluded as of this writing that a blank page 9 (having no content) of the specification (description and claims) was received by the Office on deposit of the application and thus is due a 13 March, 2007, filing date.

Accordingly, a blank page 9 (having no content) of the specification (description and claims) is entitled to a filing date of 13 March, 2007

The Notice mailed on 29 March, 2007, was in error and is vacated to the extent that it indicated that a blank page 9 (having no content) of the specification (description and claims) was not received by the Office on deposit of the application and thus was not due a 13 March, 2007, filing date.

Petitioner is cautioned to proceed in these matters consistent with and according to the showing requirements set forth in Office actions (e.g., "... with evidence of such deposit ...") and MPEP guidance as to such showings (e.g., MPEP §503). Also, Petitioner apparently ignored the express statement in the earlier decision that "... the petition fee is waived and it appears that no fee was charged[,]" and protests nonetheless that he should not be charged a fee.

CONCLUSION

The petition is **granted**; the petition fee is waived and—again—Petitioner is informed that it appears that no fee was charged. Should Petitioner later find that a fee was charged, Petitioner should request a refund from the Office of Finance and enclose a copy of this decision therewith.

This application is released to OPAP for further processing with a filing date of 13 March, 2007, for the entire application including a blank page 9 (having no content) of the specification (description and claims); and further with direction to OPAP to ensure that Office records are consistent with this decision and provide to Petitioner, if necessary, an updated filing receipt also consistent with this decision.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

/ John J. Gillon, Jr./
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
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FOLEY & LARDNER LLP
P.O. Box 80278
San Diego CA 92138-0278

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DEC 18 2007

OFFICE OF PETITIONS

In re Application of
Maher Albitar
Application No.11/685,651
Filed: March 13, 2007
Attorney Docket Number: 054769-3902

DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(b)

This is in response to the petition under 37 C.F.R. §1.47(b), filed October 31, 2007 (certificate of mailing October 30, 2007).

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 C.F.R. §1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on March 13, 2007, without an executed oath or declaration, and naming Maher Albitar as the sole inventor. Accordingly, on March 30, 2007, a Notice to File Missing Parts of Application - Filing Date Granted was mailed, requiring applicant to submit an executed oath or declaration and pay a surcharge for late filing. The Notice set an extendable two month period for reply.

In reply, applicant filed the instant petition and the surcharge for late filing of the declaration. To make timely a five (5) month extension of time was submitted.

A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is necessary to preserve the rights of parties or to prevent irreparable damage. Rule 47 applicant has failed to establish (1), (2), (5) and (6).

Proof That the Non-signing Inventor Cannot Be Reached or Refuses to Sign the Oath or Declaration

As to item (1), before a refusal can be alleged, applicant must demonstrate a bona fide

attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing 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. See MPEP 409.03(d).

The evidence provided shows only the declaration and assignment documents were presented to inventor Albitar. To the extent a copy of the application papers (specification, including claims, drawings, and oath or declaration) were presented to the non-signing inventor a statement to that effect should be provided.

Proof of Proprietary Interest

As to item (5), proprietary interest is usually found by establishing a) the invention has been assigned to applicant, or b) the inventor has agreed in writing to assign the invention to the applicant or c) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324). See MPEP 409.03(f).

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.*

Showing That Such Action Is Necessary to Preserve the Rights of Parties or to Prevent Irreparable Damage.

As to item (6), applicant has failed to provide a statement that the granting of rule 47 status is necessary to preserve the rights of the rule 47 applicant or prevent irreparable damage. See MPEP 409.03(h).

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

By mail:

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

By facsimile: (571) 273-8300

By delivery service:
(FedEx, UPS, DHL, etc.)

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
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
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FOLEY & LARDNER LLP
P.O. Box 80278
San Diego CA 92138-0278

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of
Maher Albitar
Application No. 11/685,651
Filed: March 13, 2007
Attorney Docket No. 054769-3902

: DECISION NOTING JOINDER OF
: INVENTOR AND PETITION
: UNDER 37 CFR 1.47(b)

Papers have been filed on February 14, 2008 and supplemented on March 13, 2008 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed December 18, 2007, and include a Declaration that is signed by a previously non-signing inventor, Albitar, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(b) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(b).

This application is being returned to Art Unit 1657 for processing in the normal course of business.

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

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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SEP 17 2007

OFFICE OF PETITIONS

GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER, CO 80202

In re Application of
Shafer, James, Rath, and Eubank
Application No.: 11/685,663
Filed: March 13, 2007
Attorney Docket No:0746444-010400
Invention: **WASTE WATER TREATMENT SYSTEM AND METHOD**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed August 20, 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 March 13, 2007, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on March 26, 2007, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge. The instant petition was filed on August 20, 2007, with a request for an extension of time within the third month.

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

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

The petition fee of $200.00 will be charged to deposit account 50-2775.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

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OCT 04 2007

OFFICE OF PETITIONS

In re Application of	:
Shafer, James, Rather, and	: DECISION ACCORDING STATUS
Eubank	: UNDER 37 CFR 1.47(a)
Application Number: 11/685681	:
Filing Date: 03/13/2007	:
Attorney Docket Number: 074644-010300	:

This is in response to the petition filed under 37 CFR 1.47(a) on 20 August, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, John W. James, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established that a copy of the application was sent to the non-signing inventor via his attorney, Robert P. Schuster, Robert P. Schuster, P.C. The non-signing inventor, however, has failed to return an executed declaration naming him as a joint inventor along with Lee L. Shafer, Richard D. Rath, and Jesse Eubank.

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

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

The petition fee will be charged to counsel's deposit account, as authorized.

The application will be referred to the Office of Initial Patent Examination for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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John W. James
1 Silver Circle
Boulder WY 82923

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OCT 04 2007

OFFICE OF PETITIONS

In re Application of
Shafer et al.
Application No. 11/685,681
Filed: 13 March, 2007
For: SYSTEM AND METHOD FOR GENERATING FRACTURED WATER

Dear Mr. James:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, STE 2400
DENVER CO 80202

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.
11/685,687	03/13/2007	Denesh Dharmaraju	060220	5064

23696 7590 08/19/2008

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
08/19/2008	ELECTRONIC

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

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

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

us-docketing@qualcomm.com
kascanla@qualcomm.com
nanm@qualcomm.com

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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AUG 19 2008

In re Application of :
Denesh Dharmaraju, et. al. :
Application No. 11/685,687 : ON PETITION
Filed: March 13, 2007 :
Attorney Docket No. 060220 :

This is a decision on the petition under 37 CFR 1.137(b), filed on November 30, 2007, to revive the above-identified application.

The application became abandoned for failure to timely file a reply to the Notice to File Missing Parts of Nonprovisional Application mailed March 27, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 28, 2007.

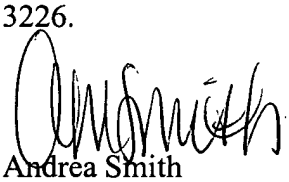
It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed oath/declaration with the $130 surcharge; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $2,230 for a five months extension of time filed on November 30, 2007. 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 $2,230 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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



Andrea Smith
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

APR 12 2007

In re Application of:
SCOULLAR et al.
Serial No.: 11/685,719
Filed: March 13, 2007
Title: METHOD AN APPARATUS FOR RESOLVING INDIVIDUAL SIGNALS IN DETECTOR OUTPUT DATA

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on March 13, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

Regarding the requirements of II. 6, the support document supplied by petitioner does not satisfy the requirements set forth in items 6.1, 6.2, 6.3 and 6.5 of condition II. Item 6.1 requires an information disclosure statement (IDS) citing each reference deemed most closely related to the subject matter of each of the claims. The IDS submitted with the petition lists 3 U.S. patents, 2 foreign patent documents and 14 non-patent publications. The Global Patent Solution Search Report and the International Search Report are not references such that they would be considered as being deemed most closely related to the subject matter of each of the claims. The support document is required to discuss each reference cited on the IDS (i.e., references deemed most closely related to the subject matter of the claims – item 6.1), including 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 (item 6.2). The statement that none of the cited references disclose the limitations of at least the independent claims, while the cited references may disclose a structure or an act recited in at least one dependent claim is insufficient. Each reference should be discussed indicating what it does disclose and then a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c) (item 6.3).

More specifically, each reference on the IDS should be discussed indicating what it discloses with respect to each of the claim limitations followed by a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c) (item 6.3). 37 CFR 1.111(c) states in part that "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited." The support document mentions independent claims 1, 16 and 19 but it fails to mention any other claim. More specifically, it fails to mention the structure or act recited in the at least one independent claim or dependent claim.

Item 6.5 requires a showing of where ***each limitation*** (italics added) of the claims finds support under 35 USC 112, first paragraph in the written description of the specification. The support document simply states support in the disclosure under 35 USC 112, first paragraph, is found at least in Figures 5, 6, 8 and 9 of the application and on pages 3-6 of the specification. It does not specifically mention any claim limitation and specifically where support for each claim imitation can be found.

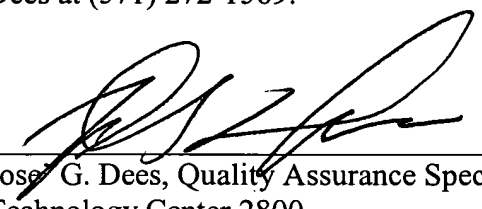
DECISION

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

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

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

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

MAY 25 2007

In re Application of:	:	
SCOULLAR et al	:	
Serial No.: 11/685,719	:	DECISION ON PETITION TO
Filed: March 13, 2007	:	MAKE SPECIAL FOR NEW
Title: METHOD AND APPARATUS FOR RESOLVING	:	APPLICATION UNDER 37
INDIVIDUAL SIGNALS IN DETECTOR OUTPUT	:	C.F.R. § 1.102 & M.P.E.P. §
DATA	:	708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed May 9, 2007. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on April 12, 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.

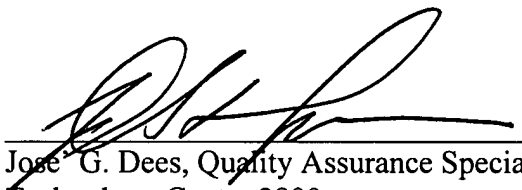
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES CA 90067

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
HILL, Matthew et al. :
Application No. 11/685,727 : DECISION ON PETITION
Filed: March 13, 2007 : TO WITHDRAW
Attorney Docket No. **67620-5001** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 06, 2009.

The request is **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 Brennan Swain on behalf of all attorneys of record who are associated with customer No. 24574. All attorneys/agents associated with the Customer Number 24574 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **SWAPEDO.COM, INC.**
11726 SAN VICENTE BLVD., SUITE 510
LOS ANGELES CA 90049

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SUITE 200
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OCT 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Yik Hei Sia	:	
Application No. 11/685,728	:	DECISION ON PETITION
Filed: March 13, 2007	:	
Attorney Docket No. 212/991US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2009 and October 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before June 16, 2009, as required by the Notice of Allowability mailed March 16, 2009. Accordingly, the date of abandonment of this application is June 17, 2009. A Notice of Abandonment was mailed July 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

The file is now being forwarded to Technology Center 3644 for review of the Amendments under 37 CFR 1.312 filed September 24, 2009 and October 13, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

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P.O. BOX 2516
ALEXANDRIA VA 22301

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SEP 2 9 2008

In re Application of :
Tarek El-Ghazawi :
Application No. 11/685,763 : ON PETITION
Filed: March 13, 2007 :
Attorney Docket No.: GWU-GHA-002 :

This is a decision on the petition filed September 5, 2008. The petition will be treated under 37 CFR 1.182.

The petition is **dismissed.**

On March 13, 2007, the above-identified application was filed. However, on May 19, 2008, the Office of Patent Application Processing mailed a "Notice of Omitted Items of Non-provisional Application", stating that application had been accorded a filing date of March 13, 2007, and advising applicant that Figures 7-15, as described in the specification appeared to have been omitted. The Notice allowed an extendable period for reply of two month from its mailing date.

In response, on September 5, 2008, applicant filed the present petition with a request for an extension of time within the second month. Applicant maintains that Figures 7-15 were present on filing and were contained in a document titled "An Execution Model for Reconfigurable Computer Architectures based on Virtual Configuration Management" which was filed with the application papers and coded an Appendix in the Image File Wrapper for the application.

Petitioner's argument has been considered, but is not persuasive. The document titled, An Execution Model for Reconfigurable Computer Architectures based on Virtual Configuration Management", contained figures labeled 1through 15 and these figures coincide with, and are meant to illustrate, the information provided in the document. The application, as filed, is confusing because Figures 1-6 are separately contained, yet Figures 7-15 are purportedly contained in the document titled, An Execution Model for Reconfigurable Computer Architectures based on Virtual Configuration Management". Petitioner's argument suggests that Figures 7-15 as contained in the document must, therefore, serve two purposes—to illustrate the information contained in the document and to be the figures as described in the specification for the application filed March 17, 2007[1]. Arguably, it would have be most appropriate for petitioner to present Figures 7-15 in a paper titled "Drawings" and labeled in accordance with 37 CFR 1.84(c). The Notice of Omitted Items in Non-Provisional Application was correct in stating that Figures 7-15 as described in the specification appeared to have been omitted as Figures 7-15 as contained in the document titled, An Execution Model for Reconfigurable Computer Architectures based on Virtual

[1] It is noted that the specification incorporates by reference the document titled, An Execution Model for Reconfigurable Computer Architectures based on Virtual Configuration Management", however, that does not sufficiently address the issue at hand as the document also contained Figures 1-6, which applicant does not rely on as the drawings for the application.

Configuration Management" were not specifically directed to the specification for the subject application. The petition is dismissed, accordingly.

The petition fee will not be refunded as the petition was necessitated by applicant's filing error.

Prior to the first action on the merits, petitioner should file an amendment requesting entry of the omitted drawings. The drawings should conform with the requirements of 37 CFR 1.84.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Tarek El-Ghazawi :
Application No. 11/685,763 : ON PETITION
Filed: March 13, 2007 :
Attorney Docket No.: GWU-GHA-002 :

This is regarding the communication filed October 28, 2008, which summarily requests that the application retain a filing date of March 13, 2007, including only the drawing figures filed on that date. The communication is being treated as a renewed petition under 37 CFR 1.182.

The petition is dismissed.

On March 13, 2007, the above-identified application was filed. However, on May 19, 2008, the Office of Patent Application Processing mailed a "Notice of Omitted Items of Non-provisional Application", stating that application had been accorded a filing date of March 13, 2007, and advising applicant that Figures 7-15, as described in the specification appeared to have been omitted. The Notice allowed an extendable period for reply of two month from its mailing date.

In response, on September 5, 2008, applicant filed a petition with a request for an extension of time within the second month. Applicant maintained that Figures 7-15 were present on filing and were contained in a document titled "An Execution Model for Reconfigurable Computer Architectures based on Virtual Configuration Management" which was filed with the application papers and coded an Appendix in the Image File Wrapper for the application. The petition was dismissed by a decision mailed September 29, 2008.

In the instant renewed request, petitioner requests that the application retain a filing date o f March 13, 2007, with only those figures present on that date. Petitioner also requests consideration of the preliminary amendment filed October 28, 2008, requesting entry of the omitted figures. A petition is not necessary for such a request. The petition is dismissed as moot, accordingly.

The application file is being directed to the Office of Patent Application Processing for further review with a filing date of March 13, 2007, including only those figures present on that date. Thereafter, the application will be directed to the appropriate technology center where the preliminary amendment will be considered and the examiner will determine whether the figures present new matter.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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SUITE 305
ALEXANDRIA, VA 22301

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OFFICE OF PETITIONS

In re Application of :
Tarek El-Ghazawi :
Application No. 11/685,763 : DECISION ON PETITION
Filed: March 13, 2007 : TO WITHDRAW
Attorney Docket No. GWU-GHA-002 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 1, 2010.

The request is **APPROVED**.

The request was signed by Todd L. Juneau on behalf of the practitioners of record associated with Customer Number 50438.

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

All future correspondence will be directed to inventor Tarek El-Ghazawi at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Dr. Ghazawi
c/o The Geo. Wash. Univ. Office of General Counsel
2100 Pennsylvania Ave., Suite 250
Washington, DC 20052

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/685,763	03/13/2007	Tarek El-Ghazawi	GWU-GHA-002

CONFIRMATION NO. 5196

POWER OF ATTORNEY NOTICE

50438
JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA, VA 22301

OC000000041777256

Date Mailed: 05/28/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/685,763	03/13/2007	Tarek El-Ghazawi	GWU-GHA-002

CONFIRMATION NO. 5196

POA ACCEPTANCE LETTER

Dr. Ghazawi
c/o The Geo. Wash. Univ.
Office of General Counsel
2100 Pennsylvania Ave., Suite 250
Washington, DC 20052

OC00000041777275

Date Mailed: 05/28/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

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4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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MAR 26 2010

OFFICE OF PETITIONS

In re Application of :
Stierman et al. :
Application No. 11/685,764 : LETTER REGARDING
Filed: March 13, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. :
3865.08US02 :

This letter is in response to the "PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH," filed on December 18, 2009. Applicants request that the patent term adjustment for the application be reviewed for accuracy. The request is treated as a request pursuant to applicants' duty of good faith and candor to the Office.

The request for correction of the patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) at the time of the mailing of the Notice of Allowance is 172 days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On September 18, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 290 days (290 days of Office delay and 0 days of applicant delay).

Applicants assert that the PTA appears to be at least 118 days longer than appropriate. Specifically, applicants request review of the patent term adjustment in connection with the filing of a response on October 23, 2007 to the Notice to File Missing Parts of Nonprovisional Application mailed on March 27, 2007.

Upon review, applicants are correct. On March 27, 2007, a Notice to File Missing Parts of Nonprovisional Application was mailed. On October 23, 2007, three (3) months and 118 days

after the date the day after the date the Notice was mailed, a reply was filed. Accordingly, a period of reduction of 118 days for applicant delay should have been assessed pursuant to 37 CFR 1.704(b).

In view thereof, the determination of PTA at the time of the mailing of the Notice of Allowance is one hundred seventy-two (172) days (290 days of PTO delay, reduced by 118 days of Applicant delay). To the extent that applicants are aware of any other specific error in the PTA calculation, applicants should so advise the Office.

As the instant letter was submitted to advise the Office of an error in Applicant's favor, the $200.00 application fee under 37 CFR 1.705(b) was not required. The fee will be credited to counsel's credit card.

The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

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

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

Encl: Revised PALM Calculation

PTA Calculations for Application: 11/685764			
Application Filing Date:	03/13/2007	PTO Delay (PTO):	290
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	172
PTO Delay Adjustment:	-118		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
95	03/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		236	
94	03/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	118		
88	09/18/2009	MAIL NOTICE OF ALLOWANCE			
87	09/17/2009	ISSUE REVISION COMPLETED			
86	08/06/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
85	08/06/2009	DOCUMENT VERIFICATION			
84	08/06/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
83	08/03/2009	NOTICE OF ALLOWABILITY			
82	07/02/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
81	07/02/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
80	07/14/2009	DATE FORWARDED TO EXAMINER			
79	07/02/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
78	07/14/2009	DATE FORWARDED TO EXAMINER			
77	07/02/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
76	07/14/2009	DISPOSAL FOR A RCE / CPA / R129			
75	07/02/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	07/02/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
73	01/29/2009	REFERENCE CAPTURE ON IDS			
72	01/29/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
71	05/28/2009	PG-PUB ISSUE NOTIFICATION			

70	05/14/2009	FINISHED INITIAL DATA CAPTURE			
69	05/12/2009	WORKFLOW - QUERY REQUEST - FINISH			
68	05/11/2009	TC RETURN TO PUBS			
67	05/11/2009	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
66	05/08/2009	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
65	04/15/2009	PUBS CASE REMAND TO TC			
64	04/21/2009	WORKFLOW - QUERY REQUEST - BEGIN			
63	04/06/2009	EXPORT TO INITIAL DATA CAPTURE			
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61	04/02/2009	TC RETURN TO PUBS			
60	04/02/2009	MAIL NOTICE OF ALLOWANCE			
59	03/30/2009	ISSUE REVISION COMPLETED			
58	03/30/2009	DOCUMENT VERIFICATION			
57	03/30/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	03/30/2009	NOTICE OF ALLOWABILITY			
53	01/29/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
52	03/10/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
51	03/18/2009	DATE FORWARDED TO EXAMINER			
50	03/10/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
49	03/18/2009	DISPOSAL FOR A RCE / CPA / R129			
48	03/07/2009	PUBS CASE REMAND TO TC			
47	03/13/2009	WORKFLOW - QUERY REQUEST - BEGIN			
46	03/12/2009	WORKFLOW - QUERY REQUEST - BEGIN			
45	03/10/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	03/10/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
43	03/03/2009	EXPORT TO INITIAL DATA CAPTURE			
42	02/27/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
41	02/27/2009	MAIL EXAMINER'S AMENDMENT			
40	02/27/2009	MAIL NOTICE OF ALLOWANCE	290		-1
39	02/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
		PG-PUB NOTICE OF NEW OR REVISED			

38	02/19/2009	PROJECTED PUBLICATION DATE			
37	02/14/2009	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
36	01/29/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	12/31/2008	ISSUE REVISION COMPLETED			
34	12/31/2008	DOCUMENT VERIFICATION			
33	12/16/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
32	12/22/2008	EXAMINER'S AMENDMENT COMMUNICATION			
31	12/22/2008	NOTICE OF ALLOWABILITY			
26	08/26/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
25	07/02/2007	PRELIMINARY AMENDMENT			
24	06/14/2007	PRELIMINARY AMENDMENT			
23	08/25/2008	CASE DOCKETED TO EXAMINER IN GAU			
22	08/21/2008	DISPATCH FROM OIPE TO CORPS - U-P-R-D APPLICATION			
21	11/01/2007	WAITING LR CLEARANCE			
20	11/01/2007	FILING RECEIPT - UPDATED			
19	10/23/2007	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
18	10/23/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
17	07/10/2007	RECEIPT OF ACKNOWLEDGMENT LETTER			
16	04/10/2007	AGENCY REFERRAL LETTER MAILED			
15	04/03/2007	AGENCY REFERRAL LETTER MAILED			
14	04/03/2007	AGENCY REFERRAL LETTER MAILED			
13	04/03/2007	AGENCY REFERRAL LETTER MAILED			
12	04/03/2007	AGENCY REFERRAL LETTER MAILED			
11	03/30/2007	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
10	03/30/2007	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
9	03/30/2007	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
		REFERRED BY L&R FOR THIRD-LEVEL			

8	03/30/2007	SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
7	03/30/2007	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
6	03/27/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	03/27/2007	AUTO REFERRED BY PALM PRE EXAM			
3	03/16/2007	CLEARED BY OIPE CSR			
2	03/14/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/13/2007	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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OFFICE OF PETITIONS

In re Application of	:	
Dennis Brisson	:	
Application No. 11/685,768	:	DECISION ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. HORSE-001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely and proper manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 26, 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 May 27, 2007. A Notice of Abandonment was mailed May 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification and remainder of the search fee, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF TIMOTHY BRISSON
340 GRASS VALLEY HIGHWAY
AUBURN CA 95603

COPY MAILED

OCT 30 2009

OFFICE OF PETITIONS

In re Application of :
Dennis Brisson :
Application No. 11/685,768 : DECISION ON PETITION
Filed: March 14, 2007 :
Attorney Docket No. HORSE-001 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 15, 2009.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed February 6, 2009. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on August 14, 2009, stating that no reply had been received.

A review of the application file reveals the presence of an Amendment, filed on August 5, 2009, made timely by obtaining a three month extension of time. A review of Office finance records confirms that the Office received the fee for the three month extension of time on that same day. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

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

The matter is being forwarded to Group Art Unit 3725 for consideration of the Amendment, timely filed with a three month extension of time on August 14, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA22313-1450
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NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
PRINCETON NJ 08540

COPY MAILED

MAY 14 2007

OFFICE OF PETITIONS

In re Application of
Guofei Jiang et al.
Application No. 11/685,805
Filed: March 14, 2007
Attorney Docket No. **060267.0089-01**

DECISION DISMISSING PETITION

This is a decision on the "Response to Notice to File Corrected Application Papers", filed April 24, 2007. The response is treated as a petition under 37 CFR 1.182.

In response to the Notice to File Corrected Application Papers mailed March 26, 2007, petitioner argues that drawing figure 5 wasn't in fact omitted and that it was included with the drawings filed upon application. Consistent with petitioner's arguments, a review of the file reveals that Figure 5 as filed with the instant petition is the same as the Figure on page 5 filed with the application. However the drawing found on page 5 filed with the application is labeled as Figure 6. If it was intended that the figure found on page 5 was to be Figure 5 and not Figure 6, it wasn't labeled as such and so it was impossible for USPTO to reach that conclusion.

It is obvious from the petition however, that no figures were actually missing on March 14, 2007. Rather, as petitioner points out, the problem with the drawings is that it was mislabeled. The drawings on page 5 should have been labeled Figure 5. However, the "Notice" mailed on March 26, 2007, was correct in stating that Figure 5 described in the specification appeared to have been omitted and thus will not be withdrawn.

The Petition is **DISMISSED**.

In view of the above, the present petition was not necessitated by any error on the part of the Office and therefore the petition fee was required and will not be refunded.

This matter is being referred to the Office of Initial Patent Examination (OIPE). OIPE will be notified to process the application with the filing date of March 14, 2007 and to use the application papers filed on that date and the corrected pages

of drawings filed on April 24, 2007 with the instant petition.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	Unknown	11/685852
Filing Date:	Herewith	3-14-07
Applicant:	Pawlak, et al.	
Group Art Unit:	Unknown	1764
Examiner:	Unknown	
Title:	SYSTEM FOR DIRECT-OXYGENATION OF ALKANE GASES	
Attorney Docket:	8479-000001/CPL	

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

PETITION TO MAKE SPECIAL (APPLICANTS AGE)

Sir:

In accordance with 37 CFR 1.102(c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age, it is respectfully requested this application be made SPECIAL and to expedite examination. Submitted with this petition is a driver's license for Applicant Robert W. Carr indicating that Applicant Carr is over 65 years of age.

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAY 2 9 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

JUN 20 2007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of :
Nathan A. Pawlak et al :
Serial No.: 11/685,867 : PETITION TO MAKE SPECIAL
Filed: March 14, 2007 :
Attorney Docket No.: 8479-000001/CPM :

This is in response to the petition filed March 14, 2007, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number, 571-273-8300.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090424

DATE : April 24, 2009

TO SPE OF : ART UNIT 2826

SUBJECT : Request for Certificate of Correction on Patent No.: 7,348,791

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

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

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

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

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

/SUE PURVIS/
Supervisory Patent Examiner.Art Unit 2826

UNITED STATES 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 : 5/25/2010
Patent No. : 7,677,338 B2
Serial No. : 11/685,898
Inventor(s) : Overstreet et al.
Issued : March 16, 2010
Title : **SYSTEM, METHOD, AND APPARATUS FOR PASSIVE AND ACTIVE UPDRILL FEATURES ON ROLLER CONE DRILL BITS**
Docket No. : **HHH4-44043**

Re: Request for Reconsideration

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued for the remaining errors noted in your request.

Ernest C. White, *LIE*
For Mary F. Diggs (703) 756-1580
Decisions & Certificates
of Correction Branch
(703) **756-1590**

BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

ecw

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **JAMES L. OVERSTREET, ET AL.**	§	Attorney Docket No.: **024-44043**
Serial No.: **11/685,898**	§	Examiner: **BRAD HARCOURT**
Filed: **2007 MARCH 14**	§	Art Unit: **3676**
Patent No.: **7,677,338**	§	Confirmation No.: **5434**
Issued: **03/16/2010**	§	
For: **SYSTEM, METHOD, AND APPARATUS FOR PASSIVE AND ACTIVE UPDRILL FEATURES ON ROLLER CONE DRILL BITS**	§	

PETITION TO CERTIFICATE OF CORRECTION BRANCH

Office of Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the decision for consideration of a Request for Certificate of Correction that was dismissed and mailed May 25, 2010, patentee is enclosing the following in accordance with the Patent Office requirements listed as A. and C. in the Dismissal:

A. A copy of the recorded assignment to Baker Hughes Incorporated, recorded March 14, 2007 on Reel 019088, Frame 0413 before the issuance of patent 7,677,338 that issued on March 16, 2010.

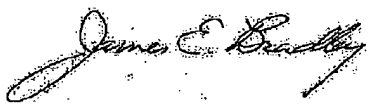
C. The processing fee of $130 as set forth in 37 CFR 1.17(i) to be charged to our Deposit Account No. 50-0259 (Bracewell).

06/09/2010 JVONG1 00000042 500259 11685898
01 FC:1464 130.00 DA

PAGE 2/13 * RCVD AT 6/8/2010 5:10:06 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/34 * DNIS:2738300 * CSID:Bracewell * DURATION (mm-ss):02-54

In addition to the above, patentee is enclosing a copy of the original Certificate of Correction e-filed May 19, 2010.

Respectfully submitted,



James E. Bradley
Registration No. 27,536
BRACEWELL & GIULIANI LLP
P.O. Box 61389
Houston, Texas 77208-1389
Telephone: 713-221-3301
Fax: 713-222-3287

ATTORNEY FOR PATENTEE

Date: June 8, 2010

PAGE 3/13 * RCVD AT 6/8/2010 5:10:06 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/34 * DNIS:2738300 * CSID:Bracewell * DURATION (mm-ss):02-54

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Received
Bracewell & Giuliani, L.L.P.
JUN 01 2010
Docket By J. Kaldor
Action
Due Date Entered under for Cert of Correction

Date : 5/25/2010
Patent No. : 7,677,338 B2
Serial No. : 11/685,898
Inventor(s) : Overstreet et al.
Issued : March 16, 2010
Title : **SYSTEM, METHOD, AND APPARATUS FOR PASSIVE AND ACTIVE UPDRILL FEATURES ON ROLLER CONE DRILL BITS**
Docket No. : **HHH4-44043**

Re: Request for Reconsideration

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued for the remaining errors noted in your request.

Ernest C. White, *LIE*
For Mary F. Diggs (703) 756-1580
Decisions & Certificates
of Correction Branch
(703) **756-1590**

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HOUSTON TX 77208-1389

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TO:MICHAEL E. NOE, JR. COMPANY:PO BOX 61389

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 14, 2007

PTAS

500238918A

500238918A

MICHAEL E. NOE, JR.
PO BOX 61389
HOUSTON, TX 77208-1389

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 03/14/2007 REEL/FRAME: 019008/0413
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 024-44043

ASSIGNOR:
OVERSTREET, JAMES L. DOC DATE: 02/21/2007

ASSIGNOR:
BUSKE, ROBERT J. DOC DATE: 02/21/2007

ASSIGNOR:
MORGAN, JEREMY K. DOC DATE: 02/28/2007

ASSIGNEE:
BAKER HUGHES INCORPORATED
2929 ALLEN PARKWAY
SUITE 2100
HOUSTON, TEXAS 77019-2118

PAGE 2/5 * RCVD AT 3/15/2007 9:42:37 PM [Central Daylight Time] * SVR:BPAUS2K3FAX1/4 * DNIS:3923 * CSID:USPTO * DURATION (mm-ss):01-36

PAGE 6/13 * RCVD AT 6/8/2010 5:10:06 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/34 * DNIS:2738300 * CSID:Bracewell * DURATION (mm-ss):02-54

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TO:MICHAEL E. NOE, JR. COMPANY:PO BOX 61389

019008/0413 PAGE 2

SERIAL NUMBER: 11685898 FILING DATE:
PATENT NUMBER: ISSUE DATE:
TITLE: SYSTEM, METHOD, AND APPARATUS FOR PASSIVE AND ACTIVE UPDRILL FEATURES ON ROLLER CONE DRILL BITS

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

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PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

03/14/2007
500238918

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

CONVEYING PARTY DATA

Name	Execution Date
James L. Overstreet	02/21/2007
Robert J. Buske	02/21/2007
Jeremy K. Morgan	02/28/2007

RECEIVING PARTY DATA

Name:	Baker Hughes Incorporated
Street Address:	2929 Allen Parkway
Internal Address:	Suite 2100
City:	Houston
State/Country:	TEXAS
Postal Code:	77019-2118

PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	11685898

CH $40.00 11685898

CORRESPONDENCE DATA

Fax Number: (512)479-3923
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
Phone: 512.542.2135
Email: michael.noe@bgllp.com
Correspondent Name: Michael E. Noe, Jr.
Address Line 1: PO Box 61389
Address Line 4: Houston, TEXAS 77208-1389

ATTORNEY DOCKET NUMBER:	024-44043
NAME OF SUBMITTER:	Michael E. Noe, Jr.

Total Attachments: 3
source=Assignment#page1.tif

USPTO 3/15/2007 10:42:41 PM PAGE 5/005 Fax Server
TO:MICHAEL E. NOE, JR. COMPANY:PO BOX 61389

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source=Assignment#page3.tif

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PATENT APPLICATION ASSIGNMENT

Docket No. 024-44043

WHEREAS, We,

James L. Overstreet, a US citizen, residing at 19326 Hoffman Estates Blvd., Tomball, Texas 77377; **Robert J. Buske**, a US citizen, residing at 6 North Evangeline Oaks Circle, The Woodlands, Texas 77384; and **Jeremy K. Morgan**, a US citizen, residing at 7747 Cattle Trail Road, Midway, Texas 75852, have invented new and useful improvements in a:

SYSTEM, METHOD, AND APPARATUS FOR PASSIVE AND ACTIVE UPDRILL FEATURES ON ROLLER CONE DRILL BITS

for which application is being made for Letters Patent, said application being executed by us on the date of February 21, 2007, February 21, 2007, and February 28, 2007, respectively, and further being identified by Attorney's Docket 024-44043.

WHEREAS, BAKER HUGHES INCORPORATED, a corporation of the State of Delaware, having a principal place of business at 2929 Allen Parkway, Suite 2100, Houston, Texas 77019-2118, is desirous of acquiring our entire right, title and interest in said application and our Letters Patent which may issue thereon.

NOW THEREFORE, be it known by all whom it may concern that for and in consideration of Ten Dollars ($10.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, we hereby assign to said corporation, both in and for the territory of the United States of America and the entire world, all our title and interest in and to said invention, patent applications and any patent which may issue thereon, including all divisions, continuations, reissues, continuations-in-part and substitutions thereof, plus all priority rights for patent applications foreign to the United States of America.

We further hereby assign and transfer to said corporation whatever cause of action we may have for past or present infringement of said invention, together with the right to bring suit for any such infringement and to seek and receive damages and other relief arising from any such infringement.

We hereby covenant and agree that we will at any time, upon the request and at the expense of said corporation, execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title and said invention, applications and patents, and we authorize the Commissioner of Patents and Trademarks to issue Letters Patent to said corporation.

PAGE 10/13 * RCVD AT 6/8/2010 5:10:06 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/34 * DNIS:2738300 * CSID:Bracewell * DURATION (mm-ss):02-54

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IN TESTIMONY WHEREOF, I execute this Assignment on the 21st day of February, 2007.

James L. Overstreet
James L. Overstreet

STATE OF TEXAS

COUNTY OF MONTGOMERY

Before me personally appeared the above-identified individual and acknowledged the foregoing assignment to be his voluntary act and deed on the 21st day of February, 2007.

VIKKI M. MERIWETHER
Notary Public, State of Texas
My Commission Expires
March 23, 2009

Vikki M. Meriwether
Notary Public in and for
State of Texas
My Commission Expires: 3/23/2009

IN TESTIMONY WHEREOF, I execute this Assignment on the 21st day of February, 2007.

Robert J. Buske

STATE OF TEXAS

COUNTY OF MONTGOMERY

Before me personally appeared the above-identified individual and acknowledged the foregoing assignment to be his voluntary act and deed on the 21st day of February, 2007.

VIKKI M. MERIWETHER
Notary Public, State of Texas
My Commission Expires
March 23, 2009

Vikki M. Meriwether
Notary Public in and for
State of Texas
My Commission Expires: 3/23/2009

PAGE 11/13 * RCVD AT 6/8/2010 5:10:06 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/34 * DNIS:2738300 * CSID:Bracewell * DURATION (mm-ss):02-54

IN TESTIMONY WHEREOF, I execute this Assignment on the 28 day of February, 2007.

Jeremy K. Morgan

STATE OF TEXAS

COUNTY OF MONTGOMERY

Before me personally appeared the above-identified individual and acknowledged the foregoing assignment to be his voluntary act and deed on the 28th day of February, 2007.

VIKKI M. MERIWETHER
Notary Public, State of Texas
My Commission Expires
March 23, 2009

Vikki M. Meriwether
Notary Public in and for
State of Texas
My Commission Expires: 3/23/2009

PAGE 12/13 * RCVD AT 6/8/2010 5:10:06 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/34 * DNIS:2738300 * CSID:Bracewell * DURATION (mm-ss):02-54

PTO/SB/44 (09-07)
Approved for use through 09/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,677,338

APPLICATION NO.: 11/685,898

ISSUE DATE : 2010-03-16

INVENTOR(S) : James L. Overstreet, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

First Page (Cover Sheet):
After the listing of all inventors under "(76) Inventors", insert:

- -(73) Assignee: BAKER HUGHES INCORPORATED, Houston, TX (US)- -

Column 1, line 48, delete "at" before "about"
Column 1, line 55, delete "edge" after "transition"

MAILING ADDRESS OF SENDER:

PATENT NO. 7,677,338

Mr. Brian Welborn
Hughes Christensen
9110 Grogan's Mill Road
The Woodlands, TX 77380-3615

CUSTOMER NO. 76184

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Greg Handermann et al. :
Application No. 11/685,936 : DECISION ON PETITION
Filed: March 14, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No: 101249-5003 :

This is a decision on the petition under 37 CFR 1.78(a)(3) filed January 21, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 11/592,008 filed November 2, 2006. In view of the amendment submitted, this petition is also being treated under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional application No. 60/733,268.

The petitions are **DISMISSED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

The reference to add the prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

The specification provided on filing did not incorporate by reference provisional application 60/733,268 as does the amendment filed with the instant petition.

In reviewing the chain of applications to which applicant is seeking a claim for priority, it is noted also that the present nonprovisional application claiming the benefit of the prior-filed provisional application was not filed within twelve months of the filing date of the prior-filed provisional application.

Application No. 60/733,268 was filed on November 2, 2005, and expired on the twelve-month anniversary of this date (November 2, 2006), pursuant to 35 U.S.C. §111(b)(5). The present application was not filed until March 14, 2007, which is subsequent to the expiration of the provisional application, to which priority is claimed.

35 U.S.C. §119 permits a non-provisional application to claim the benefit of the filing date of a previously filed, provisional application provided there is inventorship overlap between the continuing application and the parent application. Here, the application for which the benefit is sought, 60/733,268, was filed more than one year before the present application was filed. As such, there is no copendency between the applications. As set forth in 35 U.S.C. §119(b)(e):

> **An application for patent filed under** section 111(a) **or** section 363 **of this title for an invention disclosed in the manner provided by the first paragraph of** section 112 **of this title in a provisional application filed under** section 111(b) **of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under** section 111(b) **of this title, if the application for patent filed under** section 111(a) **or** section 363 **of this title is filed not later than 12 months after the date on which the provisional application was filed (emphasis added) and if it contains or is**

amended to contain a specific reference to the provisional application.

Before a petition can be granted in the present application, petitioner must file a renewed petition titled under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6), accompanied by either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121), with the benefit of provisional application no. 60/733,268 being claimed through non-provisional application no. 11/592,008.

Finally, the rule at 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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

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

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

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

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 19 2007

OFFICE OF PETITIONS

BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

In re Application of :

JUNG, Kyeong T. et al. :
Application No. 11/685,967 : DECISION ON PETITION
Filed: March 14, 2007 : TO WITHDRAW
Attorney Docket No. **AKROP007/OP060057/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 10, 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).

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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK**
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Henry M. Feiereisen
Henry M. Feiereisen, LLC
Suite 4714
350 Fifth Avenue
New York NY 10118

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of Shepheard
Application No. 11/686,026
Filed: March 14, 2007
Atty. Dkt. No.: SHEPHEARD
For: MOLD FOR PRODUCING AN ARTICLE

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the petition under 37 CFR 1.47(b) filed July 26, 2007.

The petition under 37 CFR 1.47(b) is **DISMISSED**.

Petitioner 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(b)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(b) 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 March 14, 2007 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed March 27, 2007. The Notice required, *inter alia*, a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

At to item (1), petitioner has 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.

The petition and accompanying documentation allege the inventor refused to execute the declaration for the above-identified application. Petitioner, however, has not established that the inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) prior to the alleged refusal.

Petitioner alleges the application papers were forwarded to the inventor via email. Email submission of the application papers without more is not sufficient to establish that the inventor received the application papers and thereafter refused to execute the declaration.

To the extent the extent that petitioners continue to communicate with the inventor via email, any renewed petition must be accompanied by evidence which sufficiently establishes that the copy of the application papers forwarded to the inventor via email was in a form that could be read and comprehended by the intended recipient, and that it was in fact received, opened and read by the intended recipient. Typically a non-signing inventor would indicate receipt of the email and referenced attachments via return email in a 37 CFR 1.47(a) scenario.

Further, before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner may wish to provide the Office copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and

detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable as it has not been properly executed on behalf of the non-signing inventor.

The declaration fails to comply with 37 CFR 1.63(b)(3). Correction is required.

Further, any renewed petition should be accompanied by a proper oath or declaration wherein the name, address, residence, and citizenship of the inventor is set forth. The declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b). Where the declaration is being signed on behalf of an assignee, see MPEP 324. The signature block of the non-signing inventor should remain unexecuted. *See* MPEP 409.03(b).

As to item (3), the required petition fee is $200.00. Petitioner has submitted $130.00. The remaining fee due has been charged to petitioner's deposit account as authorized.

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 Dulany 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

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JAN 03 2008

OFFICE OF PETITIONS

Henry M. Feiereisen
Henry M. Feiereisen, LLC
Suite 4714
350 Fifth Avenue
New York NY 10118

In re Application of	:
Shepheard	: DECISION GRANTING STATUS
Application No. 11/686,026	: UNDER 37 CFR 1.47(b)
Filed: March 14, 2007	:
Atty. Dkt. No.: SHEPHEARD	:
For: MOLD FOR PRODUCING AN ARTICLE	:

This decision is in response to the renewed petition under 37 CFR 1.47(b) filed November 26, 2007.

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

Petitioners have shown that the non-signing inventor has refused to execute the declaration for the above-identified application after having been presented with the complete application papers (specification, including claims, drawings, and oath or declaration).

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

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

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

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

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JAN 03 2008

OFFICE OF PETITIONS

Paul Shepheard
142 Station Road, March PE15 8NH
Great Britain

In re Application of	:
Shepheard	: LETTER
Application No. 11/686,026	:
Filed: March 14, 2007	:
For: MOLD FOR PRODUCING AN ARTICLE	:
	:

Dear Sir:

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/686,043	03/14/2007	Atsushi Matsunaga	12262/12 (FA 6181J/US)	5662

757 7590 01/02/2008

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER	
LAIOS, MARIA J	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
01/02/2008	PAPER

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

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

CERTIFICATE OF ELECTRONIC FILING
I hereby certify that this correspondence is being electronically filed with the U.S. Patent and Trademark Office on the below date:
Date: December 5, 2007 Name: G. Peter Nichols Signature:

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number:	11/686,043
Filing Date:	March 14, 2007
First Named Inventor:	Atsushi Matsunaga
Art Unit: Confirmation No.:	1795 5662
Examiner Name:	Laios
Attorney Docket No.:	12262/12 (FA 6181J/US)

To: Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 1-2-08
Jacqueline M. Stone, Director
Technology Center 1700

Please withdraw me as attorney for the above identified application, and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☒ the attorneys/agents associated with Customer Number 00757 - Brinks Hofer Gilson Lione
NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: "Withdrawal of Representation"

CHANGE OF CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.

2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number: 00757 - Brinks Hofer Gilson Lione

OR

☒ **Firm *or* Individual Name**	**Brett S. Sylvester, Esq., c/o Sughrue Mion, PLLC**				
Address	**2100 Pennsylvania Avenue, NW, Suite 800**				
City	**Washington**	**State**	**D.C.**	**Zip**	**20037-3213**
Country	**U.S.A.**				
Telephone	**202.293.7060**	**Fax**	**202.293.7860**		

Signature			
Name	G. Peter Nichols	**Registration No.**	34,401
Date	12/5/07	**Telephone No.**	312.321.4276

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Inforamtion 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/686,065	03/14/2007	Ren Sakata	305436US2RD	5704

7590 09/04/2009

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

EXAMINER	
KASRAIAN, ALLAHYAR	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
09/04/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 09/03/2009 BPOWELL
03/15/2007 INTEFSU 00000282 11685065
02 FC:1111 -500.00 OP

Adjustment date: 09/03/2009 BPOWELL
03/15/2007 INTEFSU 00000282 11685065
02 FC:1111 -500.00 OP

Refund Ref:
09/03/2009 0030074010

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Michael J. Cornwell	: DECISION ON REQUEST FOR
Patent Number	: 7613051	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/686,084	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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AMERICAN STANDARD INC.
ONE CENTENNIAL AVENUE
PISCATAWAY NJ 08855-6820

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of
Jason Farber et al.
Application No. 11/686,104
Filed: March 14, 2007
Attorney Docket No. PH-2823

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

This decision is in response to the petition filed under 37 CFR 1.47(a) on June 26, 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**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on March 14, 2007, without an executed oath or declaration. Accordingly, on March 27, 2007, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, the instant petition, a three month extension of time request and a declaration executed by all joint inventors except Jason Farber. Petitioner claims that joint inventor Farber refuses to join the application.

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

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

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

(3) the petition fee;

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

The petition lacks item (1) and(2). In regards to item (1), petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor. Petitioners have noted that a copy of the Declaration and Assignment was mailed to the last known address of Jason Farber but that to date, he has not returned executed copies and neither has he returned telephone messages left on his home phone regarding the instant matter. However, the evidence presented does not show that complete copies of the application materials were sent to Mr. Farber, only the

Declaration and Assignment documents.

Petitioners must show proof that a copy of the application (specification including claims, drawings, if any, and the Declaration) was sent or given to the non-signing inventor for review.[1] Petitioners should provide a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Petitioners must also present proof that if after having received the complete application, the non-signing inventor refuses to sign the declaration. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Furthermore, the oath or declaration submitted with the instant petition is not acceptable. As presented, it is not clear that the signatures for the fourth through sixth named inventors is for the instant application as the format is different from the format used for the first through third named inventors, in compliance with 35 U.S.C. §§ 115 and 116 and appears to be two separate documents.

Finally, as the Notice to File Missing Parts mailed March 27, 2007 set a two month period for reply, the response was due by May 27, 2007. As the response was filed June 26, 2007, only a one month extension of time was required. Petitioner's deposit account has been credited for the difference between the fee for the one month extension of time and the fee paid for a three month extension of time.

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d).

UNITED STATES PATENT AND TRADEMARK OFFICE

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AMERICAN STANDARD INC.
ONE CENTENNIAL AVENUE
PISCATAWAY NJ 08855-6820

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OCT 15 2007

OFFICE OF PETITIONS

In re Application of
Jason Farber et al.
Application No. 11/686,104
Filed: March 14, 2007
Attorney Docket No. PH-2823

: DECISION ON PETITION

This decision is in response to the petition filed September 26, 2007 which is treated under 37 CFR 1.48 and 37 CFR 1.47.

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. FAILURE TO TIMELY RENEW THE PETITION WILL RESULT IN ABANDONMENT. The reconsideration request should include a cover letter entitled "Renewed Petitions under 37 CFR §§ 1.48 and 1.47.

The above-identified application was filed on March 14, 2007, without an executed oath or declaration. Accordingly, on March 27, 2007, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing. In response, a petition was filed June 26, 2007, with a three month extension of time request and a declaration executed by all joint inventors except Jason Farber. Petitioner claimed that joint inventor Farber refused to join the application. The petition was dismissed in a decision mailed July 19, 2007 because petitioners failed to submit sufficient evidence to prove that a complete copy of the application was sent or given to the non-signing inventor pursuant to 37 CFR 1.47(a).[1]

---

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

Comes now petitioner with the instant response and four month extension of time request and the same declaration previously submitted on June 26, 2007, including the signature block for Jason Farber, but with an amended specification cancelling claims to any subject matter attributable to Jason Farber as an inventor of the instant inventive entity and seeking a correction of inventorship.

Since a first executed declaration was previously filed June 26, 2007 with the petition under 37 CFR 1.47(a), petitioners are advised that a substitute declaration is now required without Jason Farber's name. 37 CFR § 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

> (1) A request to correct the inventorship that sets forth the desired inventorship change;
>
> (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
>
> (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
>
> (4) The processing fee set forth in § 1.17(i); and
>
> (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b).

Given the fact that the petition filed June 26, 2007 sought status under 37 CFR 1.47(a) claiming that Jason Farber refused to sign the oath or declaration and to cooperate with the filing of the instant application, it is suggested that petitioners file a petition under 37 CFR 1.183, requesting waiver of 37 CFR 1.48(a)(2) which requires a statement from the person being deleted. In those situations where, as here, an inventor to be deleted refuses to submit a statement supporting the deletion or such party cannot be reached, waiver under 37 CFR 1.183 of the requirement for a statement from that party would be appropriate upon a showing of such refusal or inability to reach the inventor. Every existing assignee of the original named inventors must give its consent to the requested correction. Where there is more than one assignee giving its consent, the extent of that interest (percentage) should be shown. Where no assignment has been executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought.

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AMERICAN STANDARD INC.
ONE CENTENNIAL AVENUE
PISCATAWAY NJ 08855-6820

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MAY 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Jason Farber et al. :
Application No. 11/686,104 : DECISION ON PETITION
Filed: March 14, 2007 :
Attorney Docket No. PH-2823 :

This decision is in response to the request for reconsideration filed March 17, 2008, under 37 CFR 1.183, 37 CFR 1.47 and 37 CFE 1.48.

The petition under 37 CFR 1.47 is **GRANTED**.
The petition under 37 CFR 1.48 is **DISMISSED**.
The petition under 37 CFR 1.183 is **DISMISSED**.

The above-identified application was filed on March 14, 2007, without an executed oath or declaration. Accordingly, on March 27, 2007, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing. In response, a petition was filed June 26, 2007, with a three month extension of time request and a declaration executed by all joint inventors except Jason Farber. Petitioner claimed that joint inventor Farber refused to join the application. The petition was dismissed in a decision mailed July 19, 2007 because petitioners failed to submit sufficient evidence to prove that a complete copy of the application was sent or given to the non-signing inventor pursuant to 37 CFR 1.47(a).[1] A petition filed September 26, 2007 was dismissed in a decision mailed October 15, 2007 because the petition was submitted with the same declaration previously submitted on June 26, 2007, including the signature block for Jason Farber, but with an amended specification cancelling claims to any subject matter attributable to Jason Farber as an inventor of the instant inventive entity and seeking a correction of inventorship.

---

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

Petitioners were advised that a substitute declaration is now required without Jason Farber's name and that a petition under under 37 CFR 1.183, requesting waiver of 37 CFR 1.48(a)(2) would have to be filed.[2]

With the instant petition however, petitioner has shown that a complete copy of the application was mailed to and delivered to Mr. Farber's last known address however, to date he has not returned an executed copy of the declaration. Thus, by his actions he refuses to cooperate with the filing of the application.

Therefore, the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

With respect to the petitions under 37 CFR 1.183 and 37 CFR 1.48, they are dismissed without prejudice.

As to the amended specification cancelling claims to any subject matter attributable to Jason Farber as an inventor of the instant inventive entity and seeking a correction of inventorship, removing Jason Farber as an inventor, petitioners are directed to file a petition under 37 CFR 1.48 with Technology Center 3751 after the pre-examination processing has been completed. The authority for handling requests under 37 CFR 1.48 for correction of inventorship in applications has been delegated to the Technology Centers pursuant to MPEP § 1002.02(e). An exception to the rule would be in an instance where the request is accompanied by a petition under 37 CFR 1.183 requesting waiver of a requirement under 37 CFR 1.48(a) or (c), e.g., waiver of the statement of lack of deceptive intent by an inventor to be added or deleted, or waiver of

---

[2] 37 CFR 1.48 requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by §.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b).

the reexecution of the declaration by all of the inventors, the request would be decided in the Office of Petitions. See MPEP § 201.03.

Petitioners are reminded of the requirements of 37 CFR 1.48 and advised though that even with the evidence presented heretofore the petition would not be successful. The declaration provided with the request for reconsideration filed March 17, 2008 still bears the name of Jason Farber and for the purposes of a petition under 37 CFR 1.48 would be incorrect. Furthermore, the petition suggests that Mr. Farber was employed by and assigned his interest to American Standard while the remaining five inventors were employed by Bowles and have now assigned their interest to Bowles. Apparently, American Standard's successors are not prosecuting but the second assignee, Bowles has filed the request for reconsideration and a power of attorney claiming that American Standard's successors are waiving their rights to this matter. As the matter relates to the consent of assignee, from the evidence presented, it has not been established who the proper assignee is and therefore neither has there been a proper statement made under 37 CFR 3.73(b). These are matters that will need to be clarified and properly argued with a petition under 37 CFR 1.48 directed to Technology Center 3751.

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
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/3/09

TO SPE OF : ART UNIT 2832

SUBJECT : Request for Certificate of Correction for Appl. No.: 11686140 Patent No.: 7468649 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

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: _____

/Elvin Enad/ AU2832

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee:	Chandrasekaran	Docket No.:	FLX-3001
Serial No.:	11/686,140	Patent No.:	7,468,649 B2
Filed:	March 14, 2007	Issued:	December 23, 2008
For:	Isolated Power Converter		

Request for Issuance of Certificate of Correction
Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Upon review of the above-identified issued patent, Patentee notes errors in the patent that should be corrected as shown on the attached Certificate of Correction.

The mistakes noted on the attached Certificate of Correction were incurred through the fault of the Patentee and the Patent and Trademark Office. Accordingly, please charge the required fee of $100.00 and any additional amount, or credit any overpayment to Deposit Acct. No 50-1065 of the below mentioned firm.

Patentee respectfully solicits the issuance of the requested Certificate of Correction.

Respectfully submitted,

01/20/09
Date

Attorney for Patentee
Glenn W. Boisbrun
Reg. No. 39,615

Slater & Matsil, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, TX 75252
Tel: 972-732-1001
Fax: 972-732-9218

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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. : 7,468,649 B2

APPLICATION NO. : 11/686,140

ISSUE DATE : December 23, 2008

INVENTOR(S) : Chandrasekaran

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected the Title Page, Section (56) **References Cited**, OTHER PUBLICATIONS, 2nd entry, delete "nanocmposites" and insert --nanocomposites--.

On the Title Page, Section (56) as shown below:

On the Title Page, Section (57) **ABSTRACT**, line 14, delete "wining" and insert --winding--.
In Col. 1, line 44, delete "fired" and insert --first--.
In Col. 1, line 62, delete "diagram" and insert --diagrams--.
In Col. 2, lines 34-35, delete "alternative" and insert --alternate--.
In Col. 2, line 36, after of delete "the".
In Col. 2, line 43, after sawtooth delete "a".
In Col. 3, line 36, after i.e., insert --an--.
In Col. 3, line 56, delete "replaces" and insert --replaced--.
In Col. 4, line 19, delete "stored" and insert --stores--.
In Col. 4, line 24, after **20** insert --is--.
In Col. 4, line 24, delete "that" and insert --is--.
In Col. 4, line 30, delete "involved" and insert --involves--.
In Col. 4, line 47, delete "Vo" and insert --V_o--.
In Col. 4, line 53, after for insert --a--.
In Col. 5, line 19, after with delete "the".
In Col. 5, line 37, Equation 1, delete "N_a" and insert --N_s--.
In Col. 5, line 42, delete "Vo" and insert --V_o--.
In Col. 5, line 42, delete "Vin" and insert --V_{in}--.
In Col. 5, line 46, after related insert --to--.
In Col. 5, line 47, delete "left" and insert --leg--.
In Col. 6, line 10, before an insert --in--.
In Col. 6, line 14, delete "close" and insert --closed--.
In Col. 6, line 29, after with insert --the--.
In Col. 6, line 45, delete "and FW**1**" and insert --and FW**2**--.
In Col. 6, line 51, delete "legs" and insert --less--.
In Col. 7, line 19, delete "ΔBc" and insert --ΔB_c--.
In Col. 7, line 20, delete "f_x" and insert --f_s--.
In Col. 7, line 31, Equation 3, delete "L_{feq}" and insert --$L_{f,eq}$--.
In Col. 7, line 59, delete "systems" and insert --system--.
In Col. 7, line 60, delete "phase" and insert --phases--.
In Col. 8, line 5, after **152** insert --is--.
In Col. 8, line 17, delete "appreciate" and insert --appreciated--.
In Col. 8, line 22, delete "a" and insert --or--.
In Col. 10, line 8, before coupled insert --is--.
In Col. 10, line 15, after AC insert --signal--.

Ok, Approved, Eqnd

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,468,649 B2

APPLICATION NO. : 11/686,140

ISSUE DATE : December 23, 2008

INVENTOR(S) : Chandrasekaran

MAILING ADDRESS OF SENDER

Slater & Matsil, L.L.P.
17950 Preston Rd.
Suite 1000
Dallas, TX 75252

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 for to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of :
John HSING et al. :
Application No. 11/686,155 : DECISION ON PETITION
Filed: March 14, 2007 :
Attorney Docket No. **29891/FMP07063** :

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

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 03, 2009 as required by the Notice of Allowance and Fee(s) Due, mailed December 03, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 04, 2009.

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

The petition was not accompanied by the required issue fee of $1,510.00. No consideration on the merits can be given that petition until the required fees are received.

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

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

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

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

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

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

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
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MILLER, MATTHIAS & HULL
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SUITE 2350
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
John HSING et al.	:	
Application No. 11/686,155	:	DECISION ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. 29891/FMP07063	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 03, 2009 as required by the Notice of Allowance and Fee(s) Due, mailed December 03, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 04, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue fee payment is accepted as being unintentionally delayed.

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

This application is being referred to Office of Data Management.

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
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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

APR 05 2007
~~APR 0 5 2007~~

In re Application of: FISH Serial No.: 11/686,158 Filed: March 14, 2007 Title: LEAK DETECTION APPARATUS	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 14, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not complete under 37 CFR 1.51 and in condition for examination. The mailing of the Notice of Omitted Items on March 16, 2007 is evidence the application was not complete at the time of filing. As noted in the policy statement

referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

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

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

J. Harrison
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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MAY 09 2008

OFFICE OF PETITIONS

In re Application of

Daniel T. Heinze

Application No. 11/686,164

Filed: March 14, 2007

Attorney Docket No. 10036-004001

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment filed December 19, 2007.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was placed in an abandoned status on April 6, 2007, in response to the "Express Abandonment under 37 CFR 1.138" filed March 30, 2007. The instant petition was filed December 19, 2007, requesting that the holding of abandonment be withdrawn because the "Express Abandonment under 37 CFR 1.138" requested that application serial number 11/686,276—a co-pending related application—be abandoned, not the subject application.

A review of the application file reveals that the "Express Abandonment under 37 CFR 1.138" requested that application serial number 11/686,276 be expressly abandoned and that the "Express Abandonment under 37 CFR 1.138' was only to serve as notice of the same in application serial number 11/686,164. The holding of abandonment is withdrawn, as it is apparent that the application serial number 11/686,164 was placed in an abandoned status by an error on the part of the USPTO.

The application file is being forwarded to the Office of Patent Application Processing where the subject application will be returned to a pending status and the response filed May 18, 2007, to the Notice to File Missing Parts of Non-Provisional Application processed.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

KANE & CO., PLC
5 Lyon St. N.W.
210 Commerce Building
GRAND RAPIDS MI 49503

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of :
Robert Demmon and David Gruza :
Application No. 11/686,174 :
Filed: March 14, 2007 : DECISION ON PETITION
Attorney Docket No. 1201.011 :
Title: TILTING AND TELESCOPING :
STEERING COLUMN ASSEMBLY :

This is in response to the petition under 37 C.F.R. §1.47(a)[1], Submitted March 14, 2007, on filing.

The present application identifies Robert Demmon and David Gruza as joint inventors. Along with the present petition, Petitioner has asserted that Mr. Gruza cannot be reached.

The present petition cannot be accepted, as it has not been signed[2].

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

Consequently, the petition is **DISMISSED.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C §704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[3], hand-delivery[4], or facsimile[5].

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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2 See 37 C.F.R. §1.4 and MPEP §502.02.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner..

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No. None

KANE & CO., PLC
5 Lyon St. N.W.
210 Commerce Building
GRAND RAPIDS MI 49503

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JUL 06 2007

OFFICE OF PETITIONS

In re Application of :
Robert Demmon and David Gruza :
Application No. 11/686,174 : DECISION ON RENEWED
Filed: March 14, 2007 : PETITION PURSUANT TO
Attorney Docket No. 1201.011 : 37 C.F.R. § 1.47(A)
Title: TILTING AND TELESCOPING :
STEERING COLUMN ASSEMBLY :

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], submitted on June 21, 2007.

The present application identifies Robert Demmon and David Gruza as joint inventors. In an original petition, Petitioner asserted that Mr. Gruza could not be reached.

The original petition was submitted on March 14, 2007, and was dismissed via the mailing of a decision on June 7, 2007.

Petitioner has asserted that a statement of facts was enclosed with this renewed petition, which describes the "exact facts

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1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

being relied upon to establish that a diligent effort was made" to locate the non-signing inventor.

The electronic record has been reviewed, and this statement of facts has not been located in the same. It appears that the only item that was filed along with this renewed petition was a cover letter.

Consequently, this renewed petition is **DISMISSED.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C §704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4]. If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski

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

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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JUL 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert Demmon and David Gruza	:	
Application No. 11/686,174	:	DECISION ON SECOND RENEWED
Filed: March 14, 2007	:	PETITION PURSUANT TO
Attorney Docket No. 1201.011	:	37 C.F.R. § 1.47(A)
Title: TILTING AND TELESCOPING	:	
STEERING COLUMN ASSEMBLY	:	

This is in response to the second renewed petition under 37 C.F.R. §1.47(a)[1], submitted on July 10, 2007.

The present application identifies Robert Demmon and David Gruza as joint inventors. In an original petition, Petitioner asserted that Mr. Gruza could not be reached. The original petition was submitted on March 14, 2007, and was dismissed via the mailing of a decision on June 7, 2007. A renewed petition was submitted on June 21, 2007, and was dismissed via the mailing of a decision on July 6, 2007.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

With this second renewed petition, Petitioner has met requirement (3) of Rule §1.47(a). Requirement (2) of Rule §1.47(a) is not applicable.

Regarding the **first requirement of Rule §1.47(a)**, it does not appear that the petition fee has been submitted. The electronic record has been reviewed, and it does not appear to contain a general authorization to charge any deficient fees to a Deposit Account.

Regarding the **fourth requirement of Rule §1.47(a)**, Petitioner asserts that the non-signing inventor cannot be reached. However, Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *As Petitioner has set forth that the non-signing joint inventor cannot be found or reached, petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* There is no indication that a search was performed for Mr. Gruza. There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send the complete application papers to that address for consideration by the inventor.[2] Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If it is then averred that such attempts failed, then applicant will have provided the necessary proof required under 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

The signing inventor has asserted that a copy of the application was sent via e-mail to the non-signing inventor. The transmission of documents via e-mail, while a common practice, can be problematic. Transmission and receipt of documents - whether in image, word-processing, spreadsheet or other form - can be affected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a

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2 See MPEP 409.03(d).

document, unlike a printed page in the language of the recipient, there is as of this writing no basis to presume that an e-mailed document was in a form that can be read and comprehended.

Regarding the **fifth requirement of Rule §1.47(a)**, as it does not appear that a search has been performed for the non-signing inventor, it is not clear whether the address that appears on the declaration is accurate.

Consequently, this second renewed petition is **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Third Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C §704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[3], hand-delivery[4], or facsimile[5]. If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert Demmon and David Gruza	:	
Application No. 11/686,174	:	DECISION ON THIRD RENEWED
Filed: March 14, 2007	:	PETITION PURSUANT TO
Attorney Docket No. 1201.011	:	37 C.F.R. § 1.47(A)
Title: TILTING AND TELESCOPING	:	
STEERING COLUMN ASSEMBLY	:	

This is in response to the third renewed petition under 37 C.F.R. § 1.47(a)[1], submitted on July 26, 2007.

The present application identifies Robert Demmon and David Gruza as joint inventors. In an original petition, Petitioner asserted that Mr. Gruza could not be reached. The original petition was submitted on March 14, 2007, and was dismissed via the mailing of a decision on June 7, 2007. A renewed petition was submitted on

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1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

June 21, 2007, and was dismissed via the mailing of a decision on July 6, 2007. A second renewed petition was filed on July 10, 2007, and was dismissed via the mailing of a decision on July 13, 2007, for failure to pay the petition fee and for failure to establish that diligent efforts had been made to locate the non-signing inventor.

With this third renewed petition, Petitioner has submitted a portion of the petition fee, along with a declaration that has been executed by the previously non-signing joint inventor, in an attempt to achieve joinder.

Petitioner has submitted $130. However, the fee associated with the filing of a petition pursuant to Rule §1.47(a) is $200[2]. As such, Petitioner has failed to submit the petition fee in full.

Consequently, this third renewed petition is **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Fourth Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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

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

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2 See http://www.uspto.gov/web/offices/pac/mpep/documents/appxr_1_47.htm#cfr37s1.47 and http://www.uspto.gov/web/offices/ac/qs/ope/fee2006may15.htm#petition.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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

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

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

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert Demmon and David Gruza	:	
Application No. 11/686,174	:	DECISION NOTING JOINDER AND
Filed: March 14, 2007	:	DISMISSING RENEWED PETITION
Attorney Docket No. 1201.011	:	UNDER 37 C.F.R. §1.47(A) AS
Title: TILTING AND TELESCOPING STEERING COLUMN ASSEMBLY	:	MOOT

This is in response to the fourth renewed petition under 37 C.F.R. § 1.47(a)[1], submitted on August 9, 2007.

The present application identifies Robert Demmon and David Gruza as joint inventors. In an original petition, Petitioner asserted that Mr. Gruza could not be reached. The original petition was submitted on March 14, 2007, and was dismissed via the mailing of a decision on June 7, 2007. A renewed petition was submitted on

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1A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

June 21, 2007, and was dismissed via the mailing of a decision on July 6, 2007. A second renewed petition was filed on July 10, 2007, and was dismissed via the mailing of a decision on July 13, 2007, for failure to pay the petition fee and for failure to establish that diligent efforts had been made to locate the non-signing inventor.

With the third renewed petition, submitted on July 26, 2007, Petitioner submitted a portion of the petition fee, along with a declaration that had been executed by the previously non-signing joint inventor, in an attempt to achieve joinder. The petition was dismissed via the mailing of a decision on August 6, 2007

With this fourth renewed petition, Petitioner has included the petition fee in full.

As such, this fourth renewed petition is **DISMISSED AS MOOT.**

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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	: Alexander G. MacInnis	: DECISION ON REQUEST FOR
Patent Number	: 7595842	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/686,199	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **167** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Alexandria, VA 22313-1450
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K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

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MAR 09 2010

In re Application of	:	
Riley et al.	:	
Application No. 11/686,201	:	DECISION ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. 3716069-00004	:	

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 June 24, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2174 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 07 2010

OFFICE OF PETITIONS

K&L GATES LLP
P.O. BOX 1135
CHICAGO, IL 60690

In re Application of	:	
Riley et al.	:	DECISION ON PETITION
Application No. 11/686,201	:	TO WITHDRAW
Filed: March 14, 2007	:	FROM RECORD
Attorney Docket: 3716069-00004	:	

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 19, 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.*

As the current request designates the second named inventor as the new correspondence address, the request cannot be approved at this time.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FISH & RICHARDSON
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

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SEP 02 2008

In re Application of :
Al **FETOUCHI**, et al :
Application No. 11/686,210 : DECISION ON PETITION
Filed: March 14, 2007 : TO WITHDRAW
Attorney Docket No. 22331-002001/109204US : 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 16, 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 Joshua McGuire on behalf of all attorneys associated with Customer Number 26191.

All attorneys associated with Customer Number 26191 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 signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: AL FETOUHI
10 CHEMIN DEA SERVINS
77100 NANTEUIL-LES-MEAUX
FRANCE

cc: ODS TECHNOLOGY GMBH
WERKSTRASSE 2-22
DASSOW 23942
GERMANY

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OFFICE OF PETITIONS

Fish & Richardson, P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of :
Al Fetouhi et al. :
Application No. 11/686,232 : DECISION ON PETITION
Filed: March 14, 2007 : TO WITHDRAW
Attorney Docket No. 22331-003001 / O 110221 U : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 16, 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 Joshua McGuire on behalf of all attorneys/agents associated with customer number 26191. All attorneys/agents associated with customer number 26191 have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor at the address noted on the oath and declaration, since no assignee has properly intervened in this application. A courtesy copy of this decision will be mailed to address as indicated in the request to withdraw. If this firm would like to receive future correspondence, the proper power of attorney documents must be submitted or if an assignee has intervened compliance with 37 CFR 3.73(b) must be satisfied.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: ODS Technology GmbH
Werkstrasse 2-22
Dassow, Germany 23942

cc: Al Fetouhi
10 Chenin des Servins
77100 Nanteuil-les-Meaux
France

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
11/686,232	03/14/2007	Al Fetouhi	22331-003001 / O 110221 U

CONFIRMATION NO. 6021

POWER OF ATTORNEY NOTICE

26191
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000031945069

Date Mailed: 09/08/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/16/2008.

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

/kainabinet/

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

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

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

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OCT 0 3 2008

OFFICE OF PETITIONS

In re Application of

WHITFIELD, Henry
Application No. 11/686,239
Filed: March 14, 2007
Attorney Docket No. **ADEX0001C**

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 15, 2008.

The request is **APPROVED**.

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

The request was signed by Michael Glenn on behalf of all attorneys of record who are associated with customer No. 22862. All attorneys/agents associated with the Customer Number 22682 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: **HENRY WHITFIELD**
2490 AGNES WAY
PALO ALTO CA 94303

cc: **S.F. IP PROPERTIES 59 LLC**
2711 CENTERVILL ROAD, SUITE 400
WILMINGTON DE 19808

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OGILVY RENAULT, LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QCH 3A2Y3

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NOV 28 2007

OFFICE OF PETITIONS

In re Application of :
Jean-Louis Vill :
Application No. 11/686,249 : DECISION ON PETITION
Filed: March 14, 2007 : TO WITHDRAW
Attorney Docket No. 17861-1US1 : 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 30, 2007.

The request is **NOT APPROVED**.

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

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

A courtesy copy will be mailed to the applicant.

There is no pending Office action in this application.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Jean-Louis Vill
880, Grandjean, Apt 555
Ste-Foy
Quebec, G1X 3Z3
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Ogilvy Renault, LLP
1981 McGill College Avenue
Suite 1600
Montreal, QCH 3A2Y3

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JAN 07 2008

OFFICE OF PETITIONS

In re Application of :
Jean-Louis Vill :
Application No. 11/686,249 : DECISION ON PETITION
Filed: March 14, 2007 : TO WITHDRAW
Attorney Docket No. 17861-1US1 : FROM RECORD
:

This is a decision on the Renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 11, 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 C. Marc Benoit on behalf of all attorneys of record who are associated with customer No. 20988. All attorneys/agents associated with the Customer Number 20988 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. 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: Jean-Louis Vill
880, Grandjean, Apt 555
Ste-Foy
Quebec, G1X 3Z3
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/686,249	03/14/2007	Jean-Louis Vill	17861-1US-1

CONFIRMATION NO. 6048

POWER OF ATTORNEY NOTICE

20988
OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

OC000000027573607

Date Mailed: 01/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/11/2007.

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

/kainabinet/

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

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Alexandria, VA 22313-1450
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Paper No.

PAUL J. SUTTON, ESQ.,
BARRY G. MAGIDOFF, ESQ.
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK NY 10166

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Kenneth Brown, Yoshiharu Sueoka	:	DECISION ACCORDING STATUS
Steve Grundt and Carlos Ramirez	:	UNDER 37 C.F.R. § 1.47(a)
Application No. 11/686,262	:	
Filed: March 14, 2007	:	
Attorney Docket No. 0267-001-1906	:	

This is in response to the RESPONSE TO NOTICE TO FILE MISSING PARTS, PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a) AND PETITION UNDER 37 C.F.R. § 1.47(a) filed October 23, 2007.

The petition is **GRANTED**.

The above-identified application was filed on March 14, 2007, without an executed oath or declaration. Accordingly, on March 26, 2007, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition (and late surcharge). This response was made timely by an accompanying petition and fee for extension for response within the fifth month. Applicants assert that status under 1.47(a) is proper because diligent efforts have been made to reach inventor Grundt, but those efforts have been unsuccessful. In support thereof, applicants submit the statement of attorney Jay H. Anderson. Accompanying the petition are declarations executed in combination by joint inventors Brown, Sueoka and Ramirez on

behalf of themselves and on behalf of non-signing inventor Grundt.

The petition includes adequate proof of the unavailability of inventor Grundt within the meaning of 37 CFR 1.47(a). By statement of inventor Anderson, it is shown that a bona fide attempt was made to present all of the application papers to inventor Grundt at this last known address and at his place of employment. These attempts were unsuccessful in as much as the delivery to his last known address by certified mail went unclaimed. There was no indication from the postal service that the inventor was no longer at that address. Nonetheless, the petition includes additional proof of efforts undertaken to find or reach inventor Grundt at any other address. Copies of the Internet searches were made of record.

The declarations filed October 23, 2007, have been reviewed and found in compliance with § 1.63. The petition includes the petition fee of $200 and the last known address of inventor Grundt.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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STEVEN L. GRUNDT
87-29 139th STREET
BRIARWOOD, NY 11435

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Kenneth Brown, Yoshiharu Sueoka :
Steve Grundt and Carlos Ramirez : LETTER
Application No. 11/686,262 :
Filed: March 14, 2007 :
Attorney Docket No. 0267-001-1906 :

Dear Mr. Grundt:

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. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

PAUL J. SUTTON, ESQ.,
BARRY G. MAGIDOFF, ESQ.
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK NY 10166

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TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

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AUG 28 2009

OFFICE OF PETITIONS

In re Application of
Guha et al.
Application No. 11/686,268
Filed: March 14, 2007
Attorney Docket No. 100112-001031US

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, 2008 and supplemented on January 28, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Trellis Intellectual Property Law Group, PC: (1) does not have power of attorney in this patent application; but (2) has been employed or otherwise engaged in the proceedings in this patent application.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

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

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

All future communications from the Office will be directed to the proper Customer No. listed on the Oath/Declaration upon filing, until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

The application is currently abandoned for failure to timely pay the issue and publication fees on or before January 12, 2009.

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

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Alexandria, VA 22313-1450
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Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

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SEP 23 2008

In re Application of	:	
Al Fetouhi, et al.	:	
Application No. 11/686,274	:	DECISION ON PETITION
Filed: March 14, 2007	:	TO WITHDRAW
Attorney Docket No. 22331-005001	:	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 16, 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 Joshua McGuire 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: **Al Fetouhi**
10 Chemin des Servins
Nanteuil-les-Meaux, 77100
France

cc: **ODS Technology Center GmbH**
Werkstrasse 2-22
Dassow, 23942
Germany

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/686,274	03/14/2007	Al Fetouhi	22331-005001

CONFIRMATION NO. 6089

POWER OF ATTORNEY NOTICE

26191
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000032221931

Date Mailed: 09/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/16/2008.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-10-09

TO SPE OF : ART UNIT 3736

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/686285 Patent No.: 7485097

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

A. Green

Angela Green
Certificates of Correction Branch
703-756-1541

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: okay to enter.

[signature] 12/1/08
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date Mailed : December 4, 2009

Patent No. :6975288
Inventor : Michiyo Nishimura et al.
Patent Issued :Decemgber 13, 2005
Title :METHOD OF DRIVING IMAGE-FORMING APPARATUS AND APPARATUS THEREOF

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) 37 CFR 1.322 and 1.323.

Accordingly, applicants request is denied due to non-compliance with filing requirements in regard to formatting procedures for requesting corrections to the Letters Patent. To have proposed changes further considered, applicant may resubmit a request under 37 CFR 1.322 and/or 1.323 which clearly identifies on the PTO-1050 form the point of reference as presented in the printed patent by use of column and line numbers as well as directives e.g. add, delete. For more detailed instructions concerning formatting and procedures for requesting corrections under 37 CFR 1.322/1.323 see MPEP 1485.

Further correspondence concerning this matter should be filed and directed to Decisions & Certificate of Correction Branch. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541

A Green

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-

Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, New York 10112-3801

/arg

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SAWYER LAW GROUP PC
2465 E. Bayshore Road, Suite No. 406
PALO ALTO CA 94303

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AUG 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Scott W. Lewis	:	
Application No. 11/686,302	:	ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. 3789P	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed March 26, 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) was obtained. Accordingly, the application became abandoned on Mary 27, 2007. The Notice of Abandonment was mailed December 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and $65 surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON TX 76028

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of :
Mitra :
Application No. 11/686,304 : DECISION ON PETITION
Filed: March 14, 2007 :
Attorney Docket No. 3001DD-60391-D3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 7, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 7, 2008. Accordingly, the date of abandonment of this application is January 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 $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

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
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GOMEZ INTERNATIONAL PATENT OFFICE, LLC
1501 N. RODNEY STREET
SUITE 101
WILMINGTON DE 19806

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of :
Daniel D. Coppens, et al. :
Application No. 11/686,330 : DECISION ON PETITION
Filed: March 14, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. QFIX-12 USA : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 10, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by applicant John A. Crowell. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being referred to the Office of Initial Patent Examination to await a reply to the Notice to File Corrected Application Papers (Notice) mailed March 30, 2007. This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

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BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO, IL 60610

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of :
Paul Lassa, et. al. :
Application No. 11/686,350 : DECISION ON PETITION
Filed: March 14, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. SDA-1076y-1 :

This is a decision on the petition under 37 CFR 1.78(a)(3) filed on May 24, 2010 and June 7, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other

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

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

This application is being forwarded to Technology Center Art Unit 2116 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center at (571) 272-2100.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/686,350	03/14/2007	2116	2678	SDA-1076y-1	37	5

CONFIRMATION NO. 6239

CORRECTED FILING RECEIPT

67813
BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO, IL 60610

Date Mailed: 06/17/2010

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

Applicant(s)

Paul Lassa, Mountain View, CA;
Paul Paternoster, Los Altos, CA;
Po-Shen Lai, San Jose, CA;
Yongliang Wang, Saratoga, CA;

Power of Attorney: The patent practitioners associated with Customer Number 67813

Domestic Priority data as claimed by applicant

This application is a CIP of 11/649,325 12/31/2006
and is a CIP of 11/649,326 12/31/2006

Foreign Applications

If Required, Foreign Filing License Granted: 03/24/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/686,350**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Selectively Powered Data Interfaces

Preliminary Class

713

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

Mail Date: 04/27/2010

Applicant	: Gregory F. Shay	: DECISION ON REQUEST FOR
Patent Number	: 7577095	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/686,366	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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MAY 15 2007

Technology Center 2100

Nazareno Cruzada
1100 West Avenue, #601
Miami Beach FL 33139

In re Application of:
Nazareno Cruzada
Serial No.: 11/686,403
Filed: March 15, 2007

Title: **ELECTRONIC PERSONAL COMPUTING AND VIDEOPHONE SYSTEM CONSISTING OF A REMOTE SERVER SYSTEM PROVIDING DYNAMIC, SUBSCRIPTION BASED VIRTUAL COMPUTING SERVICES & RESOURCES, A THIN CLIENT HARDWARE DEVICE CONNECTED TO A TELEVISION SET AND WIRELESS KEYBOARD & MOUSE, AND A WIRELESS MOBILE DEVICE (A POCKET PC PHONE)**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

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

3. 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;
4. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
5. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention. The application must also not contain any multiple dependent claims.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application fails to meet eligibility requirements 2 and 5 above.

Specifically, with respect to requirement 5 above, the application contains multiple dependent claims and more than three independent claims. The application was filed with claims 1-20. However, each of claims 6, 7, 12, 14,15, 16, 17, 19 and 20 refers back to more than one other claim, thus these claims are considered to be multiple dependent claims in accordance with 37 CFR 1.75(c). Further, for fee calculation purposes under § 1.16, a multiple dependent claim will be considered to be that number of claims to which direct reference is made therein. Therefore, the application contains more than twenty claims. Finally, claim 3 appears to be an independent claim even though it refers back to claim 1, since claim 3 recites a method and claim 1 recites a device, thus claim 3 falls under a different category of invention from that of claim 1, and does not necessarily incorporate all of the limitations of claim 1, as required for a claim to be treated as a dependent claim within the meaning of 37 CFR 1.75 (c). Therefore, the application contains four independent claims, and the application fails to meet the limit of three or fewer independent claims in accordance with requirement 4 above.

Regarding requirement 2 above,

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:

(i) Enhance the quality of the envioronment;

(ii) Contribute to the development or conservation of energy resources;

A grantable petition under 37 CFR 1.102(c) and MPEP 708.02, section VI, 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).

Further, A grantable petition under 37 CFR 1.102(c) and MPEP 708.02, section VI, must be accompanied by the showing that the application is for an invention which materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., air, water, and soil. The petition under 37 CFR 1.102 must state that special status is sought because the invention materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements. If the application disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment.

The petition filed March 30, 2007 only includes a statement that the invention is directed towards improving negative environmental effects and lowering energy consumptions. Such statement is inadequate to establish for the record ***how*** the claimed subject matter in the instant application will materially contribute to enhancement of the quality of environment and the conservation of energy resources. Therefore the petition lacks a showing under 37 CFR 1.102(c)(2), and the petition fee under 37 CFR 1.17(h) is required, but has not been filed with the petition, as required in item 2 above.

For the above-stated reasons, the petition is denied. The examiner will therefore take up the application for action in its regular turn.

It appears that Applicant may not be fully cognizant of all of the requirements for eligibility under the Revised Petition to Make Special and Accelerated Examination program. Applicant is advised to refer to the Notice regarding "Changes to Practice for Petitions in Patent Applications

To Make Special and for Accelerated Examination' published in the Federal Register on June 26, 2006 and the guidelines for Applicants under the New Accelerated Examination Procedure provided on USPTO website at http://www.uspto.gov/web/patents/accelerated/ for further assistance in preparing a petition and request for accelerated examination such that the submission will likely be accepted as filed. Upon reviewing the above information, should Applicant have any questions and need any further guidance and/or assistance, Applicant is encouraged to call the undersigned at (571) 272-3719.

Kakali Chaki
Quality Assurance Specialist
TC 2100

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Richard L. Bridge
ARMSTRONG TEASDALE LLP
One Metropolitan Square
Suite 2600
St. Louis, MO 63102-2740

Mail Date: 04/20/2010

Applicant	: James F. Stelzer	: DECISION ON REQUEST FOR
Patent Number	: 7634984	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/686,410	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **290** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Jung et al. :
Application No. 11/686,423 : ON PETITION
Filed: March 15, 2007 :
Attorney Docket No. CU-5593 WWP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b).". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 31, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed May 29, 2009. Accordingly, the date of abandonment of this application is August 30, 2009.

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

As to item (1), petitioner has submitted a Request for Continued Examination (RCE) and an Information Disclosure Statement. However, since this application was abandoned for failure to submit a proper reply to the Notice of Allowance a reply must also include the issue and publication fees. 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned or patent lapsed for failure to pay the issue fee. Therefore, the filing of a continuing application without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned or patent lapsed for failure to pay the issue fee or any portion thereof.

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Jung et al. :
Application No. 11/686,423 : ON PETITION
Filed: March 15, 2007 :
Attorney Docket No. CU-5593 WWP :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 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 August 31, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed May 29, 2009. Accordingly, the date of abandonment of this application is August 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 payment of the issue and publication fees of $1055, RCE and an Information Disclosure Statement (IDS), (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Petitioner is advised that the issue fee paid on renewed petition 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 concerning this decision should be directed to the undersigned at (571) 272-3215.

[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.*

This application is being referred to Technology Center AU 2181 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the submission in accordance with 37 CFR 1.114.

Charlema Grant
Petitions Attorney
Office of Petitions

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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

Mail Date: 04/21/2010

Applicant	: Hugh D. Hestad	: DECISION ON REQUEST FOR
Patent Number	: 7648521	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/686,453	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **265** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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HOOKER & HABIB, P.C.
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JUN 11 2007

OFFICE OF PETITIONS

In re Application of :
ROBERT C. BERFIELD :
Application No. 11/686,467 : DECISION ON PETITION
Filed: March 15, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **1-771-CIP** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 10, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the declaration of inventor Robert Berfield'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 1744 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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 AVENUE, N.W.
WASHINGTON, DC 20005

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NOV 17 2008

In re Application of	:	
Vinayak T. Bhalani, et al.	:	
Application No. 11/686,555	:	DECISION GRANTING PETITION
Filed: March 15, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 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 September 11, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

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

---

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

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BIB DATA SHEET

CONFIRMATION NO. 6594

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/686,565	03/15/2007 RULE	514	1624	01-2022

APPLICANTS
Uwe RIES, Biberach, GERMANY;
Peter SIEGER, Mittelbiberach, GERMANY;

**** CONTINUING DATA ***************************

**** FOREIGN APPLICATIONS ***************************
EUROPEAN PATENT OFFICE (EPO) 06111338 03/17/2006
EUROPEAN PATENT OFFICE (EPO) 06111191 03/15/2006
EUROPEAN PATENT OFFICE (EPO) 06111342 03/17/2006

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****
05/07/2007

Foreign Priority claimed	35 USC 119(a-d) conditions met	Verified and Acknowledged	Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
☑ Yes ☐ No	☑ Yes ☐ No	/KAHSAY HABTE/ Examiner's Signature	☐ Initials	GERMANY	3	19	1

ADDRESS
MICHAEL P. MORRIS
BOEHRINGER INGELHEIM USA CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD, CT 06877-0368
UNITED STATES

TITLE
Novel Enantiomeric Pure Beta Agonists, Manufacturing and Use as a Medicament Thereof

FILING FEE RECEIVED		
1130	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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

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NOV 21 2007

OFFICE OF PETITIONS

In re Application of :
Lamp et al. : DECISION ON PETITION
Application Number: 11/686593 :
Filed: 03/15/2007 :
Attorney Docket Number: :
080437.58494US :

This is in response to the "PETITION UNDER 37 C.F.R. 1.57(a) TO BE ACCORDED A FILING DATE" filed on May 9, 2007 which is treated as a petition requesting that the above-referenced application be accorded a filing date of March 15, 2007. This petition is being treated pursuant to 37 CFR 1.53(e)(2).[1]

Application papers in the above-identified application were deposited on March 15, 2007. However, on April 10, 2007, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicants timely filed this petition. Applicants assert that the drawings were present on filing inasmuch as the application is entitled to a benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date. Applicants further have supplied a preliminary amendment, including two (2) sheets of drawings, and request that the drawings be entered.

Petitioners' arguments and evidence have been considered. However, it is controlling that a review of the application confirms that as filed the application contained at least one method claim. MPEP 601.01(f) provides that:

---

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

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

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

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required. Receipt of the preliminary amendment filed on May 9, 2007, requesting entry of the drawings is acknowledged. The preliminary amendment will be reviewed for new matter by the examiner.

To the extent the instant petition requests a filing date of March 15, 2007, with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

The Office of Patent Application Processing (OPAP) has been advised of this decision. Pursuant to this decision, the application has been referred to OPAP for:

- **correction of the filing date to March 15, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney, Douglas I. Wood at 571.272.3231.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

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DAIMLER CHRYSLER INTELLECTUAL CAPITAL CORPORATION
CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS, MI 48326-2757

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NOV 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Michael R. Teets et al	:	DECISION GRANTING STATUS
Application No. 11/686,594	:	UNDER 37 CFR 1.47(a)
Filed: March 15, 2007	:	
Attorney Docket No. 707349US2	:	

This is in response to the petition filed October 31, 2007, which is being treated as a petition under 37 CFR 1.47(a).

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Greg Schoenberg 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 matter is being referred to the Office of Patent Application Processing.

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

David Bucci
Petitions Examiner
Office of Petitions

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NOV 19 2008

OFFICE OF PETITIONS

Greg Schoenberg
13300 West Watson Road
St. Louis, MO 63127

In re Application of
Michael R. Teets; Trevor L. Enge; Lavern M. Bremmer; Jon R. Donegan; Greg Schoenberg
Application No. 11/686,594
Filed: May 15, 2007
For: FUEL PUMP SPEED CONTROL SYSTEM

Dear Mr. Schoenberg:

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 Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington, DC area).

David Bucci
Petition Examiner
Office of Petitions

cc: Daimler Chrysler Intellectual Capital Corporation
CIMS 483-02-19
800 Chrysler Dr East
Auburn Hills, MI 48326-2757

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

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JUL 2 8 2008

In re Application of :

FETOUHI, Al et al :
Application No. 11/686,607 : DECISION ON PETITION
Filed: March 15, 2007 : TO WITHDRAW
Attorney Docket No. **22331-004001 / O 109023 U** : 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 16, 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 Joshua McGuire on behalf of all attorneys of record who are associated with customer No. 26191. All attorneys/agents associated with the Customer Number 26191 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **AL FETOUHI**
10 CHEMIN DES SERVINS
77100 NANTEUIL-LES-MEAUX
FRANCE

cc: **ODS TECHNOLOGY GMBH**
WERKSTRASSE 2-22
DASSOW 23942
GERMANY

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/686,637	03/15/2007	Shunichi Gondo	305444US2SRD	6714

7590 01/12/2010

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

EXAMINER	
ZHANG, XIANG	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
01/12/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
01/11/2010 [illegible]

Credit Card Refund Total: $510.00

[illegible]

Adjustment date: 01/11/2010 NFARMER
03/16/2007 INTEFSU 00000205 11686637
02 FC:1111 -500.00 DP

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: R. Charles Murray	: DECISION ON REQUEST FOR
Patent Number	: 7658286	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/686,666	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **91** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/686,673	03/15/2007	Yoshiyuki KOKOJIMA	305423US2SRD	6780

7590 10/15/2008

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

EXAMINER	
WU, JINGGE	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
10/15/2008	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 10/10/2008 BPOWELL
03/16/2007 INTEFSW 00000352 11686673
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

Refund Ref:
10/10/2008 0030062215

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX1006

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SCHNADER HARRISON SEGAL & LEWIS, LLP
1600 MARKET STREET
SUITE 3600
PHILADELPHIA PA 19103

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SEP 15 2008

In re Application of :
BOLER, Lewyn B. Jr. :
Application No. 11/686,717 : DECISION ON PETITION
Filed: March 15, 2007 : TO WITHDRAW
Attorney Docket No. **3008835-0012-R** : 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 05, 2008.

The request is **APPROVED.**

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

The request was signed by Ronald Ventola, II on behalf of all attorneys of record who are associated with customer No. 22469. All attorneys/agents associated with the Customer Number 22469 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Lewyn Boler, Jr. 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: **LEWYN BOLER, JR.**
1000 EAST CHANNEL STREET
STOCKTON CA 95205

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/10/10 Paper No.: —

TO SPE OF : ART UNIT 2853

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/686719 Patent No.: 7641389 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

Lin Gaudet 92855

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

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NOV 10 2008

OFFICE OF PETITIONS

In re Application of :
John BARTHOLOMEW :
Application No. 11/686,758 : ON PETITION
Filed: March 16, 2007 :
Attorney Docket No. 101479.0005US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 26, 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 May 27, 2007.

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

With respect to item 1: The Office acknowledges receipt of the declaration filed with the petition on May 21, 2008, however, the Notice mailed March 26, 2007, required an additional surcharge of $65. Accordingly, no consideration on the merits can be given until the required surcharge is remitted.

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

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOSEPH CURTIS EDMONDSON
15490 NW OAK HILLS DR.
BEAVERTON, OR 97006

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
John BARTHOLOMEW	:	
Application No. 11/686,758	:	DECISION ON PETITION
Filed: March 15, 2007	:	
Attorney Docket No. GLA 2.002.US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 26, 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 May 27, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form the required fees and oath and declaration; (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on April 6, 2009, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded by Treasury Check.

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

This application is being referred to the Office of Patent Application Processing for further processing in the normal course of business.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF J. CURTIS EDMONDSON
15490 NW OAK HILLS DRIVE
BEAVERTON, OR 97006

MAILED

JUN 17 2009

OFFICE OF PETITIONS

In re Application of :
John BARTHOLOMEW :
Application No. 11/686,758 :
Filed: March 15, 2007 :
Attorney Docket No. GLA 2.002.US :

CORRECTED
DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2009 and supplemented on May 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 26, 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 May 27, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and the required fee; (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Mail Date: 04/27/2010

Applicant	: Laurence A. Fish	: DECISION ON REQUEST FOR
Patent Number	: 7650620	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/686,763	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **167** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Masafumi Shimizu	: DECISION ON REQUEST FOR
Patent Number	: 7614471	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/686,782	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **131** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS, CA 91367

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MAY 11 2007

OFFICE OF PETITIONS

In re Application of :
Samuel LAX :
Application No. 11/686,789 : DECISION ON PETITION
Filed: March 15, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. LIFESU-49319 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 15, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

April Wise
Petitions Examiner
Office of Petitions

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AUG 0 7 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
TAKESHI CHUJOH ET AL :
Application No. 11/686790 :
Filed: March 15, 2007-08-07 :
Attorney Docket No. 016887-1139 :

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 June 7, 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 John Peng at 571-272-7272.

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

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

John Peng
TC 2600
Quality Assurance Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAY 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Miles William Carroll, et al.	:	
Application No. 11/686,793	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO WITHDRAW
Attorney Docket No. 021911-000531US	:	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 24, 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 Karen B. Dow on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Miles W. Carroll**
The Oxford Science Park
Medawar Centre
Robert Robinson Avenue
Oxford, OX12 9XW
United Kingdom

cc: **Marshall, Gerstein & Borun LLP**
233 South Wacker Drive
6300 Sears Tower
Chicago, IL 60606-6357

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/686,793	03/15/2007	Miles William Carroll	021911-000531US

CONFIRMATION NO. 7007

POWER OF ATTORNEY NOTICE

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 05/21/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/24/2008.

- 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Ihor Mykhaylovych KOBASA et al.	Confirmation No.:	
Application No.:	Not Yet Assigned 11/686796	Examiner:	
Date Filed:	Herewith 3-15-07	Group:	1754
For:	HIGHLY PHOTOSENSITIVE TITANIUM DIOXIDE AND PROCESS FOR FORMING THE SAME		

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c)

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

Sir:

Pursuant to 37 CFR §1.102 (c)(2)(ii) and MPEP 708.02, Applicants hereby Petitions to Make Special for an advancement of examination the above-described United States Patent Application. Since the Application qualifies under 37 C.F.R. § 1.102(c), no fee is believed due in connection with this petition. However, should a fee be determined to be required, the Commissioner is hereby authorized to charge any fees due with the filing of this paper or credit any overpayment to Deposit Account No. 50-0951.

In accordance with the provisions of 37 CFR §1.102(c) and MPEP 708.02, paragraph IV, entitled "APPLICANTS AGE" Applicants respectfully request advancement of examination for the above-described United States Patent Application which is filed along with this petition. One of the named inventors, Inventor Mykhaylo Andriyovych Kovbasa, was born on October 20, 1925. Accordingly, the age of Applicant Mykhaylo Andriyovych Kovbasa is currently 81, which fulfills the statutory requirement under 37 CFR §1.102(c) for an applicant to be 65 years of age

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
APR 24 2007

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Adam et al.	:	DECISION ON PETITION
Application No. 11/686,797	:	TO WITHDRAW
Filed: March 15, 2007	:	FROM RECORD
Attorney Docket No. 70127.00002.UTL1	:	

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 4, 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.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) currently 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. Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Vidya R. Bhakar
P.O. Box 919092
San Diego CA 92191-9092

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

In re Application of	:	
Adam et al.	:	DECISION ON PETITION
Application No. 11/686,797	:	TO WITHDRAW
Filed: March 15, 2007	:	FROM RECORD
Attorney Docket No. 70127.00002.UTL1	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 7, 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 Vidya R. Bhakar on behalf of all attorneys of record who are associated with Customer No. 36183.

All attorneys/agents associated with Customer Number 36183 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed July 27, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Horst R. Adam
714 Edgewood Road
San Mateo CA 94402

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AUG 07 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
TAKESHI CHUJOH ET AL
Application No. 11/686807
Filed: March 15, 2007
Attorney Docket No. 016887-1136

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 June 7, 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:

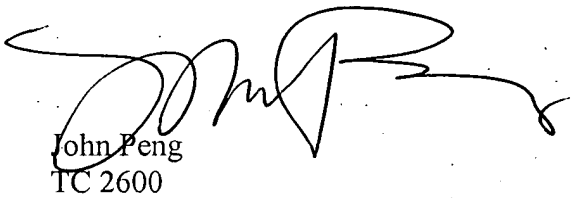
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 John Peng at 571-272-7272.

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

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



John Peng
TC 2600
Quality Assurance Specialist

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APR 25 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FOGG & POWERS LLC
10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS MN 55402

In re Application of:
GEILE, MICHAEL J., et al.
Serial No.: 11/686,808
Filed: March 15, 2007

Title: **RANGING AND ROUND TRIP DELAY TIMING ADJUSTMENT IN A MULTI-POINT TO POINT BIDIRECTIONAL COMMUNICATION SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The classified search areas of 370/208 (Orthogonal Frequency Division Multiplexing), 370/507, 508 (Synchronization) and 375/229, 231, 232 (Equalizers).

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Petitioner does not provide a "detailed explanation of patentability of all claims (including the dependent claims) with respect to each reference and if claims do not stand or fall together, how each claim (including the dependent claims) is patentably distinct over the cited prior art in combination with the other cited references.

Petitioner's statement that applicant is prepared to swear behind the Bingham et al. reference is noted. Although this statement is not a statement within the meaning of 37 CFR 1.111(b) it is accepted contingent upon the filing of an acceptable affidavit under 37 CFR 1.131. The affidavit should be presented in a timely manner, preferably prior to first Office action. Failure to timely submit an acceptable affidavit would likely result in the application of Bingham et al. *vis-a-vis* one or more 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 Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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FOGG & POWERS LLC
10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS MN 55402

MAIL

JUN 22 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Michael J. GEILE, et al.
Serial No.: 11/686,808
Filed: March 15, 2007

Title: **RANGING AND ROUND TRIP DELAY TIMING ADJUSTMENT IN A MULTI-POINT TO POINT BIDIRECTIONAL COMMUNICATION SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

Petitioner's statement that applicant is prepared to swear behind the Bingham et al. reference is noted. Although this statement is not a statement within the meaning of 37 CFR 1.111(b) it is accepted contingent upon the filing of an acceptable affidavit under 37 CFR 1.131. The affidavit should be presented in a timely manner, preferably prior to first Office action. Failure to timely submit an acceptable affidavit would likely result in the application of Bingham et al. *vis-a-vis* one or more of the instant claims.

Since no detailed explanation of patentability in regard to each of dependent claims 2-5, 7-10 and 12-16 has been provided in the request for reconsideration, the statements provided for each of these dependent claims is being treated as an admission by the petitioner that the patentability of these dependent claims over each of the cited references stand or fall together with their respective independent claims.

Accordingly, all of the requirements to correct the deficiencies outlined in the petition decision mailed April 25, 2007 have been met.

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 Ken Wieder, Special Program Examiner, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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WASHINGTON DC 20007

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AUG 07 2007

DIRECTOR OFFICE
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In re Application of
TAKESHI CHUJON ET AL
Application No. 11/686815
Filed: March 15, 2007
Attorney Docket No. 016887-1135

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 June 7, 2007, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program and petition fail to include:

Item (6) above.

Specifically, reference cited in the JPO Office Action –

Takeshi Nakajo, toshiaki Watanabe, takeshi Datake, Yoshihiro Kikuchi and Takeshi Nasal, "Ultra low rate moving picture coding system (2) having error proof function", a collection of lecture papers in 1999 general assembly in the institute of Electronics, Information and Communication Engineers, Information System 2, p. 12, March 1 l, 1995.

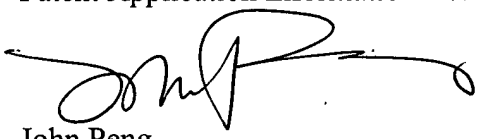
was not provided.

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

Response must be faxed to John Peng at 571-273-7272 (RightFax) or 571-273-0308.

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

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



John Peng
TC 2600
Quality Assurance Specialist

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

In re Application of
TAKESHI CHUJON ET AL
Application No. 11/686815
Filed: March 15, 2007
Attorney Docket No. 016887-1135

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 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 John Peng at 571-272-7272.

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

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

John Peng
TC 2600
Quality Assurance Specialist

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/686,872	03/15/2007	James G. Metz	2997-113	7146

70960 7590 02/25/2008

SHERIDAN ROSS P.C.
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER	
MCELWAIN, ELIZABETH F	
ART UNIT	**PAPER NUMBER**
1638	

MAIL DATE	DELIVERY MODE
02/25/2008	PAPER

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/686,872	03/15/2007	James G. Metz	2997-113	7146

7590 02/26/2008

SHERIDAN ROSS P.C.
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER	
MCELWAIN, ELIZABETH F	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
02/26/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

02 FC:1111 500.00 CR

05 FC:1201 2400.00 CR

Notice of Abandonment	Application No.	Applicant(s)	
	11/686,872	METZ, JAMES G.	
	Examiner	Art Unit	
	Mcelwain, Elizabeth	1638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/4/09

TO SPE OF : ART UNIT **2154 (2100)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/686,884** Patent No.: **7,496,627**

Attn: Jinsong Hu

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)
South Tower - 9A22
Palm Location 7580

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

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: _____

_____

_____

_____

JEFFREY PWU 2454
SUPERVISORY PATENT EXAMINER Art Unit

FOR Nathan Flynn

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/4/09

TO SPE OF : ART UNIT 2154 (2100)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/686,884 Patent No.: 7,496,627

Attn: Jinsong Hu

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)
South Tower - 9A22
Palm Location 7580

Ernest B. Wilson, LIE
Certificates of Correction Branch
703-308-9390 ext.122

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: _____

_____

_____

_____

JEFFREY PWU 2454
SUPERVISORY PATENT EXAMINER Art Unit
FOR Nathan Flynn

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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APR 24 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Michael J. GEILE, et al.
Serial No.: 11/686,888
Filed: March 15, 2007

Title: **RANGING AND ROUND TRIP DELAY TIMING ADJUSTMENT IN A MULTI-POINT TO POINT BIDIRECTIONAL COMMUNICATION SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 15, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). This decision is also in view of the revised Accelerated Examination Support Document filed on April 17, 2007.

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.1 through 5.3, and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in items 5.1 through 5.3, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search and Databases Searches which are to be provided under section 8(a) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/subclasses: 370/205, 208, 209, 508 and 519. A copy of the EAST search results should be provided for review.

Regarding the requirement of item 6.3, the "Accelerated Examination Support Document", part 9(C) fails to provide a detailed explanation of how *each* of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Specifically, petitioner has failed to cite with any particularity how the claims define over the Bingham et al. reference. A review of the petition finds that petitioner asserts that applicant is "prepared to produce affidavits and exhibits... that establish conception of the invention prior to... the effective date of the Bingham et al. reference". Petitioner should note that applicant's willingness to submit a declaration under 37 CFR 1.131 is not sufficient reason for failing to discuss the Bingham et al. reference in accordance with the requirement(s). It is noted that until such time as an acceptable declaration under 131 has been received by the Office and deemed by the examiner to disqualify the reference as prior art; petitioner is required to discuss all prior art of record. Accordingly, the instant petition fails to discuss the Bingham et al. reference with the particularity required by 37 CFR 1.111(b) and (c). Furthermore, part 9(C) also fails to provide a detailed explanation of patentability in regard to each of the claims, particularly the dependent claims. Clarification is required.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5 through 5.3 above, and the Preexamination Search Support Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above. Furthermore, any newly found prior art must be cited on an IDS. The Accelerated Examination Support Document must also be updated to include a more detailed explanation for patentability under part 9(C) as discussed supra.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS MN 55402

MAIL

JUN 18 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Michael J. GEILE, et al.
Serial No.: 11/686,888
Filed: March 15, 2007

Title: **RANGING AND ROUND TRIP DELAY TIMING ADJUSTMENT IN A MULTI-POINT TO POINT BIDIRECTIONAL COMMUNICATION SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

In the decision mailed April 24, 2007, the decision stated:

> "Regarding the requirement of item 6.3, the "Accelerated Examination Support Document", part 9(C) fails to provide a detailed explanation of how *each* of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Specifically, petitioner has failed to cite with any particularity how the claims define over the Bingham et al. reference. A review of the petition finds that petitioner asserts that applicant is "prepared to produce affidavits and exhibits... that establish conception of the invention prior to... the effective date of the Bingham et al. reference". Petitioner should note that applicant's willingness to submit a declaration under 37 CFR 1.131 is not sufficient reason for failing to discuss the Bingham et al. reference in accordance with the requirement(s). It is noted that until such time as an acceptable declaration under 131 has been received by the Office and deemed by the examiner to disqualify the reference as prior art; petitioner is required to discuss all prior art of record. Accordingly, the instant petition fails to discuss the Bingham et al. reference with the particularity required by 37 CFR 1.111(b) and (c). Furthermore, part 9(C) also fails to provide a detailed explanation of patentability in regard to each of the claims, particularly the dependent claims. Clarification is required."

Petitioner's statement that applicant is prepared to swear behind the Bingham et al. reference is noted. Although this statement is not a statement within the meaning of 37 CFR 1.111(b) it is accepted contingent upon the filing of an acceptable affidavit under 37 CFR 1.131. The affidavit should be presented in a timely manner, preferably prior to first Office action. Failure to timely submit an acceptable affidavit would likely result in the application of Bingham et al. *vis-a-vis* one or more of the instant claims.

Petitioner has also responsed to the item 6.3, part 9(C) requirement wherein petitioner was advised that the Accelerated Support Document failed to provide a detailed explanation of how *each* of the claims (particularly the dependent claims) are patentable over each of the references. With the exception of claim 7, petitioner merely states that dependent claims 2-6, 8, 10-12, and 14-15 "are not anticipated by or unpatentable over Cioffi, Kahre, Fattouche, Engstrom, Bruckert, Omura and Yamanaka" because each of the respective dependent claims directly or indirectly depends on an independent claim for which a reason for patentability has been provided.

Since no detailed explanation of patentability in regard to each of dependent claims 2-6, 8, 10-12, and 14-15 has been provided in the request for reconsideration, the statements provided for each of these dependent claims is being treated as an admission by the petitioner that the patentability of these dependent claims over each of the cited references stand or fall together with their respective independent claims.

Accordingly, all of the requirements to correct the deficiencies outlined in the petition decision mailed April 24, 2007 have been met.

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.

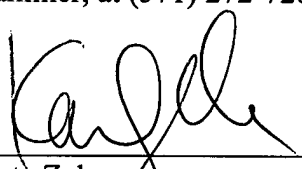
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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 Krista Zele, Special Program Examiner, at (571) 272-7288.



Krista Zele
Quality Assurance Specialist
Technology Center 2600
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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/27/2010

Applicant	: Andrzei Kaszuba	: DECISION ON REQUEST FOR
Patent Number	: 7589336	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/686,897	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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STAMFORD CT 06901

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OFFICE OF PETITIONS

In re Application of :
William T. Guevremont et al. :
Application No. 11/686,907 :
Filed: March 15, 2007 :
Attorney Docket No. **APR-101(P)(US)** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 15, 2010.

The request is **APPROVED**.

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

The request was signed by Anatoly Frenkel on behalf of all attorneys of record who are associated with Customer Number 47670.

All attorneys/agents associated with Customer Number 47670 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 William T. Guevremont at the address list listed in the request.

There is an outstanding Office action mailed June 10, 2010, that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: William T. Guevremont
23 Marlin Drive
Groton, CT 06340

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APR 11 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

James Rodgers
8853 214th Place
Langley BC V1M 2H9 CA CANADA

In re Application of:
RODGERS, JAMES NEIL
Serial No.: 11/686,946
Filed: March 15, 2007

Title: **PRECISELY TUNED RFID ANTENNA**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

MPEP 708.02(a) I (E) states:

> (E) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

REVIEW OF FACTS

The conditions set forth under section I above are considered to have been met. However, the petition fails to comply with conditions set forth under section II items 5 through 5.3, 6.1, 6.2, 6.3 and 6.5. The petition also fails to comply with the conditions set forth under section MPEP 708.02(a) I (E).

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements in item 5 through 5.3, the preexamination search document provided with the instant petition is deficient as follows: the database search fails to identify which database or databases (EAST, WEST, etc.) were used in the 'USPTO database' as identified. The US Field of Search and Databases Searches which are to be provided under section 8(A) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/sublasses: 340/10.1, 572.1, 572.5, 572.7, 572.8, 235/385, 29/593, 601, 825, 343/745, 823, 868, and 700/215. Furthermore, the search logic appears incomplete. Keywords have been identified. However, there is no indication of the search strings and or keyword operators used. Was there any Boolean logic used with the keywords identified? Furthermore, essential terms like 'RFID', 'antenna trimming', 'antenna tuning', 'antenna adjustment', and 'resonant antenna' are not included in the text search. A copy of the database search results should be provided for review.

Regarding the requirement of item 6.1, the "Accelerated Examination Support Document" part a.) is deficient because a legible copy of the two non-patent literature documents cited on the IDS must be submitted and incorporated in the file in accordance with 37 CFR 1.98.

Regarding the requirement of item 6.2, the "Accelerated Examination Support Document", part b.) provides an identification of claim limitations that are in the US patent cited. However, the petition fails to identify all of the limitations in all of the claims of the application that are disclosed by the patent as well as identify all of the limitations in all of the claims of the

application that are disclosed by the two cited non patent literature references cited and specifying where the limitation is disclosed by each cited reference as required by item 6.2.

Regarding the requirement of item 6.3, the "Accelerated Examination Support Document", part c.) is deficient inasmuch as petitioner does not provide a "detailed explanation of how ***each of the claims*** are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c). Rather, petitioner has essentially written that none of the cited prior art discloses any of the limitations of any item claimed in any of the claims, without explaining with particularity which limitation(s) render the claim(s) patentable. A cursory review of the US patent cited on the IDS clearly suggests some of the items in claim 1 at least are identified by the reference, such limitations including but not limited to an integrated circuit package comprising a substrate and an antenna. The petition fails to provide a detailed explanation of how each of the claims are patentable over each of the 3 references cited with particularity required by 37 CFR 1.111(b) and (c) as required by item 6.3.

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", part f.) is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of the specification. Petitioner provides a broad statement that support "is shown in pages 5-17 for claim 1, page 7, paragraph 5 – page 8, paragraph 1 for claim 2, etc. without providing any indication where specific claim limitations find support in the specification for each claim. Clarification is required.

Regarding the requirement in MPEP 708.02(a) I (E), the requirement is deficient because application contains multiple dependent claim 9.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5 through 5.3 above, and the Preexamination Search Support Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above. Also, the claims must be amended to cancel any multiple dependencies identified therein.

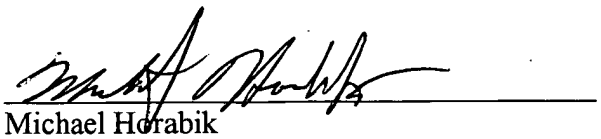
DECISION

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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.



Michael Horabik
Quality Assurance Specialist
Technology Center 2600
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OFFICE OF PETITIONS

MEHRMAN LAW OFFICE, P.C.
P.O. Box 420797
ATLANTA GA 30342

In re Application of :
Donald L. Runyon :
Application No. 11/686,976 : DECISION ON PETITION
Filed: March 16, 2007 :
Attorney Docket No. 8E07.1-152A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 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 July 21, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 21, 2008. Accordingly, the date of abandonment of this application is July 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7033

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OFFICE OF PETITIONS

In re Application of :
Ranganath R. Raja et al. :
Application No. 11/686,979 : DECISION ON PETITION
Filed: March 16, 2007 :
Attorney Docket No. VTN-5143USNP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed March 26, 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 May 30, 2007. The due date was on a Saturday. Monday was a federal Holiday.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed oath or declaration, with the required $130.00 surcharge fee, (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received October 12, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

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Cary, NC 27512-1245

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MAY 22 2007

OFFICE OF PETITIONS

In re Application of :
SHAMOON, et al. :
Application No. 11/686,984 : DECISION ON PETITION
Filed: March 16, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 8002-06-07 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 20, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the declaration and driver's license of inventor Franklin E. Neal, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Ishman Law Firm P.C.
P.O BOX 1245
Cary NC 27512-1245

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JUN 20 2007

OFFICE OF PETITIONS

In re Application of
Charles G. Shamoon et al.
Application No. 11/686,993
Filed: March 16, 2007
Attorney Docket No. 8006-06-07

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 April 20, 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 statement from the applicant Franklin Eugene Neal 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 2614 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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NEXSEN PRUET ADAMS KLEEMEIER, LLC
PO DRAWER 2426
COLUMBIA, SC 29202-2426

APR 12 2007

In re Application of:
GIBBONEY
Serial No.: 11/687,024
Filed: March 16, 2007
Title: LIGHT STRING SOCKET WITH MECHANICAL SHUNT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web. The required fee set forth in 37

C.F.R. § 1.17(h) has not been paid. Further, petitioner has not made the statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism.

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

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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NEXSEN PRUET ADAMS KLEEMEIER, LLC
PO DRAWER 2426
COLUMBIA, SC 29202-2426

APR 27 2007

In re Application of:
GIBBONEY
Serial No.: 11/687,024
Filed: March 16, 2007
Title: LIGHT STRING SOCKET WITH MECHANICAL SHUNT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed April 26, 2007. The petition to make special under 37 C.F.R. § 1.102(d) was denied on April 12, 2007.

The required petition fee as set forth in 37 C.F.R. § 1.17(h) has been charged to Deposit Account 080719 as authorized in the Electronic Acknowledgement Receipt dated March 16, 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.

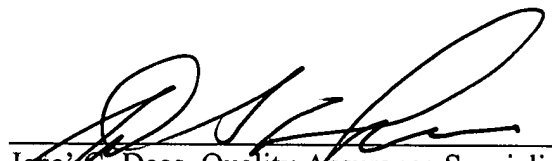
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
BRIGGS, Barry et al. :
Application No. 11/687,028 : DECISION ON PETITION
Filed: March 16, 2007 : TO WITHDRAW
Attorney Docket No. **38187-2887** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 20, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Leslie Overman. on behalf of all attorneys of record who are associated with customer No. 25213. All attorneys/agents associated with the Customer Number 25213 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: **BARRY BRIGGS**
2070 ANTHONY DR.
CAMPBELL CA 95008

cc: **GOODWIN PROCTER LLP**
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,038	03/16/2007	Doo-Sik SHIN	5003-1-005	7453

7590 09/05/2008

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

EXAMINER	
MARTINEZ, JOSEPH P	

ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
09/05/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

```
Adjustment date: 09/08/2008  BPOWELL
04/27/2007 CNGUYEN2 00000084 11687038
01 FC:1202                    -400.00 OP
02 FC:1051                    -130.00 OP
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Adjustment Date: 09/08/2008  BPOWELL
07723/2007 INTEFSW  00002269 010885   11780872
02 FC:1111          500.00 CR
04 FC:1202         1000.00 CR
05 FC:1203          360.00 CR
```

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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APR 27 2009

OFFICE OF PETITIONS

In re Application of :
PUZIO, Daniel :
Application No. 11/687,050 : DECISION ON PETITION
Filed: March 16, 2007 : TO WITHDRAW
Attorney Docket No. **0275L-001134/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 February 05, 2009.

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

A review of the file record indicates that the power of attorney to Harness, Dickey & Pierce, P.L.C. has been revoked by the assignee of the patent application on March 30, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CAPITOL CITY TECHLAW, PLLC**
PO BOX 1210
VIENNA VA 22183

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AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
SALT LAKE CITY, UT 84101

Mail Date: 06/11/2010

Applicant	: An-nan Chang	: DECISION ON REQUEST FOR
Patent Number	: 7642770	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/687,089	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **21** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

In re Application of :
Edward C. Gerhart et al. :
Application No. 11/687,120 : DECISION ON PETITION
Filed: March 16, 2007 : TO WITHDRAW
Attorney Docket No. 1264.ADAP0003CIP : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed April 29, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 27975 has been revoked by the assignee of the patent application on April 29, 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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: FELDMANGALE, P.A.
1700 Market Street
Suite # 3130
Philadelphia PA 19103

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ORLANDO, FL 32802-3791

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OFFICE OF PETITIONS

In re Application of	:	
Edward C. Gerhardt et al.	:	
Application No. 11/687,130	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO WITHDRAW
Attorney Docket No. 1264.ADAP003CIP4	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed April 29, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 27975 has been revoked by the assignee of the patent application on April 29, 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 JoAnne Burke at 571-272- 4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: FELDMANGALE, P.A.
1700 Market Street
Suite # 3130
Philadelphia PA 19103Philadelphia PA 19103

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Suite 3130
Philadelphia PA 19103

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Edward C. Gerhardt et al. :
Application No. 11/687,130 : DECISION ON PETITION
Filed: March 16, 2007 : TO WITHDRAW
Attorney Docket No. 1264.ADAP0003CIP4 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 2010.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the change of correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. A Statement under 37 CFR 1.373(b) must be submitted with a proper chain of title. Our records indicate that a new assignment was recently filed.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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PITTSBURGH PA 15272

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Tang, et al.	:	
Application No. 11/687,133	:	DECISION REFUSING STATUS
Filed: March 16, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 2199A1	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 22, 2007.

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

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on March 16, 2007. On March 26, 2007, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration **after having been presented with the application papers (specification, claims and drawings)**; (2) an

(3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy item (1).

As to item (1), the petition and accompanying evidence have been carefully considered. However, it has not been demonstrated that a copy of the application papers (comprising the specification, claims, and drawings) was sent to the non-signing inventors. Petitioner states that the non-signing inventor could not be found or located. However, petitioner does have a last known address for the inventor, as well as a phone number. In fact, a call and message left at this number was returned by the non-signing inventor's wife.

Regarding an inventor's refusal to join in the application, the Manual of Patent Examining Procedure states:

> 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 U.S.P.Q. 80 (Comm'r Pat. 1956).

MPEP 409.03(d).

As petitioner has a last known address for the non-signing inventor, a copy of the application papers should be forwarded to that address. It is noted that petitioner has stated that the non-singing inventor is believed to be in India. However, as the

inventor's wife returned a message left at their home phone number, then perhaps the inventor has a system in place of having his mail forwarded to him. If the application papers are returned as undeliverable, then petitioner may make the assertion that the inventor can not be found or located.

The $65 surcharge for late submission of the oath or declaration has been charged to Deposit Account No. 16-2025, as authorized.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of
Tang, et al.
Application No. 11/687,133
Filed: March 16, 2007
Attorney Docket No. 2199A1

DECISION NOTING JOINDER OF INVENTOR AND PETITION UNDER 37 CFR 1.47(a) MOOT

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 5, 2007.

The above application was filed on March 16, 2007. On March 26, 2007, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply. Applicant filed a petition under 37 CFR 1.47(a) on May 22, 2007. However, the petition was dismissed in a decision mailed on June 21, 2007.

With the instant petition, Rule 47 applicant has submitted a declaration executed by previously non-signing inventor Sawant.

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

The matter is being forwarded to Group Art Unit 1712 for docketing and examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 16 2010

OFFICE OF PETITIONS

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

In re Application of :
Shunpei YAMAZAKI, *et al.* :
Application No. 11/687,204 : DECISION GRANTING PETITION
Filed: March 16, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **12732-0273002** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 14, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 2, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2879 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,233	03/16/2007	Yoshikazu Yamazaki	03500.132215.	7793

5514 7590 09/30/2009

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
09/30/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

In re Application of: YAMAZAKI
Application No. 11/687,233
Filed: March 16, 2007
Atty. Docket No.: 03500.132215
For: DATA COMMUNICATION DEVICE, DATA COMMUNICATION SYSTEM, AND DATA COMMUNICATION METHOD

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 27, 2009, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

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

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

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

(7) The required petition fee under 37 CFR 1.17(h).

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

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/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98082-6399

MAILED

JUN 29 2010

OFFICE OF PETITIONS

In re Application of
Williams et al
Application No. 11/687,240
Filed: March 16, 2007
Attorney Docket No. 318338.01

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 23, 2010, to revive the application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action issued July 20, 2009. The Office action set a shortened statutory period for reply of three (3) months or thirty (30) days, whichever was longer, from the mailing date of the Office action. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on October 21, 2009. A Notice of Abandonment was mailed on March 24, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

1) The reply required to the outstanding Office action or notice, unless previously filed,
2) The petition fee,
3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

Petitioner has submitted a reply to the non-final Office and has submitted the required petition fee of $1,620. Petitioner has stated the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Telephone inquiries concerning this decision should be directed to Shirene Willis Brantley at (571) 272-3230, or in her absence, Tim Wollein at (571) 270-5515.

After the mailing of this decision, the file will be referred to Technology Center AU 3688 for consideration of the amendment filed on April 23, 2010.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Date Mailed : August 7, 2009

Patent No. : 7552026
Patent Issued :June 23, 2009
Inventor :Zhang et al.
Title :APS BASED INTEGRATED SUN SENSOR

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) .

Review of applicants' request to change data from what appears on the printed patent at item (30) Foreign Application Priority Data has revealed the modification unwarranted since the printed patent reflects the recommended presentation pertaining to the foreign application of which applicant claims priority status.

In view of the forgoing applicants request this matter is hereby denied.

To further consider your request regarding this matter, a new request filed under 37 CFR 1.323 which includes the required Certificate of Correction fee of $100.00 should be submitted.

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1541 or (703) 756-1541

Harness, Dickey & Pierce, P.L.C.
Attorneys and Counselors
P.O. Box 828
Bloomfield Hills, Michigan 48303

/arg

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Date Mailed : November 13, 2009

Patent No. : 7552026
Patent Issued :June 23, 2009
Inventor :Zhang et al.
Title :APS BASED INTEGRATED SUN SENSOR

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) .

Review of applicants' request to change data from what appears on the printed patent at item (30) Foreign Application Priority Data has revealed the modification unwarranted since the printed patent reflects the recommended presentation pertaining to the foreign application of which applicant claims priority status.

In view of the forgoing applicants request this matter is hereby denied.

Further consideration may be obtained by submitting a new request filed under 37 CFR 1.323 which includes the required Certificate of Corrrection fee of $100.00.

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

A Green

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1541 or (703) 756-1541

Harness, Dickey & Pierce, P.L.C.
Attorneys and Counselors
P.O. Box 828
Bloomfield Hills, Michigan 48303

/arg

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,339	03/16/2007	Yukinori Ueda	305448US2S CONT	8010

7590 03/03/2008

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

EXAMINER	
FAHMY, WAEL M	

ART UNIT	PAPER NUMBER
2814	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,339	03/16/2007	Yukinori Ueda	305448US2S CONT	8010

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EXAMINER	
FAHMY, WAEL M	

ART UNIT	PAPER NUMBER
2814	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	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: 03/04/2008 KKING1
03/19/2007 INTEFSW 00000423 11687339
02 FC:1111 -500.00 OP

Refund Ref:
03/04/2008 0030051451

Credit Card Refund Total: $500.00

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10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS MN 55402

MAIL

APR 20 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
GEILE, MICHAEL J, et al.
Serial No.: 11/687,363
Filed: March 16, 2007

Title: **RANGING AND ROUND TRIP DELAY TIMING ADJUSTMENT IN A MULTI-POINT TO POINT BIDIRECTIONAL COMMUNICATION SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5, 6.3, and 6.4.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5: A review of the claims of the instant application finds that an additional search would be required in class/subclass areas 370/508 and 370/519.

Regarding the requirement in item 6.3: The Accelerated Examination Support Document is deficient because it fails to include a detailed explanation of how each of the claims are patentable over the references cited. The document includes discussion of the independent claims 1, 8, and 13, but fails to include with particularity how each of the dependent claims 2-7, 9-12 and 14-19 are patentable over the references. Rather the petitioner makes a general statement that the claims depend from and further define the independent claim. The petitioner must clarify whether patentability of the dependent claims stands or falls with the independent claims they depend from or point to particular limitations in the dependent claims that are patentable over the references. Also, the document fails to include a detailed explanation of how the claims are patentable over the Bingham et al reference. A mere statement that petitioner is prepared to produce affidavits and exhibits to establish conception prior to the effective date of the Bingham reference in order to disqualify the reference as prior art is not sufficient without any documentation to support such a statement.

Regarding the requirement in item 6.4: The Accelerated Examination Support Document includes a statement of utility. However, it is deficient because it fails to identify each of the independent claims it is in reference to.

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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APR 20 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FOGG & POWERS LLC
10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS MN 55402

In re Application of:
GEILE, MICHAEL J, et al.
Serial No.: 11/687,363
Filed: March 16, 2007

Title: **RANGING AND ROUND TRIP DELAY TIMING ADJUSTMENT IN A MULTI-POINT TO POINT BIDIRECTIONAL COMMUNICATION SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5, 6.3, and 6.4.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5: A review of the claims of the instant application finds that an additional search would be required in class/subclass areas 370/508 and 370/519.

Regarding the requirement in item 6.3: The Accelerated Examination Support Document is deficient because it fails to include a detailed explanation of how each of the claims are patentable over the references cited. The document includes discussion of the independent claims 1, 8, and 13, but fails to include with particularity how each of the dependent claims 2-7, 9-12 and 14-19 are patentable over the references. Rather the petitioner makes a general statement that the claims depend from and further define the independent claim. The petitioner must clarify whether patentability of the dependent claims stands or falls with the independent claims they depend from or point to particular limitations in the dependent claims that are patentable over the references. Also, the document fails to include a detailed explanation of how the claims are patentable over the Bingham et al reference. A mere statement that petitioner is prepared to produce affidavits and exhibits to establish conception prior to the effective date of the Bingham reference in order to disqualify the reference as prior art is not sufficient without any documentation to support such a statement.

Regarding the requirement in item 6.4: The Accelerated Examination Support Document includes a statement of utility. However, it is deficient because it fails to identify each of the independent claims it is in reference to.

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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
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In re Application of:
GEILE, MICHAEL J., et al.
Serial No.: 11/687,363
Filed: March 16, 2007

Title: **RANGING AND ROUND TRIP DELAY TIMING ADJUSTMENT IN A MULTI-POINT TO POINT BIDIRECTIONAL COMMUNICATION SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 30, 2007 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

In the Decision on Petition mailed April 20, 2007, the decision stated:

> "Regarding the requirement in item 6.3: The Accelerated Examination Support Document is deficient because it fails to include a detailed explanation of how each of the claims are patentable over the references cited. The document includes discussion of the independent claims 1, 8, and 13, but fails to include with particularity how each of the dependent claims 2-7, 9-12 and 14-19 are patentable over the references. Rather the petitioner makes a general statement that the claims depend from and further define the independent claim. The petitioner must clarify whether patentability of the dependent claims stands or falls with the independent claims they depend from or point to particular limitations in the dependent claims that are patentable over the references."

The petitioner's response to this deficiency states that dependent claims 3-7, 9-12, and 14-19 are not anticipated by or unpatentable over the respective cited references because these dependent claims either directly or indirectly depend from their respective independent claims.

This statement for each of dependent claims 3-7, 9-12, and 14-19 is treated as an admission by the petitioner that the patentability of these claims over each of the cited references stand or fall together with their respective independent claims.

Therefore, all of the requirements to correct the deficiencies outlined in the petition decision of April 20, 2007 have been met.

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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

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In re Application of:
Michael J. GEILE, et al.
Serial No.: 11/687,383
Filed: March 16, 2007

Title: **ROUND TRIP DELAY ADJUSTMENT IN MULTIPOINT-TO-POINT COMMUNICATION USING ORTHGONAL FREQUENCY DIVISION MULTIPLEXING**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.1 through 5.3, and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in items 5.1 through 5.3, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search and Databases Searches which are to be provided under section 8(a) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/subclasses: 370/205, 208, 209, 508, 519. A copy of the EAST search results should be provided for review.

Regarding the requirement of item 6.3, the "Accelerated Examination Support Document", part 9(C) fails to provide a detailed explanation of how *each* of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Specifically, petitioner has failed to cite with any particularity how the claims define over the Bingham et al. reference. A review of the petition finds that petitioner asserts that applicant is "prepared to produce affidavits and exhibits... that establish conception of the invention prior to... the effective date of the Bingham et al. reference". Petitioner should note that applicant's willingness to submit a declaration under 37 CFR 1.131 is not sufficient reason for failing to discuss the Bingham et al. reference in accordance with the requirement(s). It is noted that until such time as an acceptable declaration under 131 has been received by the Office and deemed by the examiner to disqualify the reference as prior art; petitioner is required to discuss all prior art of record. Accordingly, the instant petition fails to discuss the Bingham et al. reference with the particularity required by 37 CFR 1.111(b) and (c). Furthermore, part 9(C) also fails to provide a detailed explanation of patentability in regard to each of the claims, particularly the dependent claims. Clarification is required.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5 through 5.3 above, and the Preexamination Search Support Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above. Furthermore, any newly found prior art must be cited on an IDS. The Accelerated Examination Support Document must also be updated to include a more detailed explanation for patentability under part 9(C) as discussed supra.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
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In re Application of:
Michael J. GEILE, et al.
Serial No.: 11/687,383
Filed: March 16, 2007

Title: **ROUND TRIP DELAY ADJUSTMENT IN MULTIPOINT-TO-POINT COMMUNICATION USING ORTHGONAL FREQUENCY DIVISION MULTIPLEXING**

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 May 15, 2007 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

In the decision mailed April 24, 2007, the decision stated:

> "Regarding the requirement of item 6.3, the "Accelerated Examination Support Document", part 9(C) fails to provide a detailed explanation of how *each* of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Specifically, petitioner has failed to cite with any particularity how the claims define over the Bingham et al. reference. A review of the petition finds that petitioner asserts that applicant is "prepared to produce affidavits and exhibits... that establish conception of the invention prior to... the effective date of the Bingham et al. reference". Petitioner should note that applicant's willingness to submit a declaration under 37 CFR 1.131 is not sufficient reason for failing to discuss the Bingham et al. reference in accordance with the requirement(s). It is noted that until such time as an acceptable declaration under 131 has been received by the Office and deemed by the examiner to disqualify the reference as prior art; petitioner is required to discuss all prior art of record. Accordingly, the instant petition fails to discuss the Bingham et al. reference with the particularity required by 37 CFR 1.111(b) and (c). Furthermore, part 9(C) also fails to provide a detailed explanation of patentability in regard to each of the claims, particularly the dependent claims. Clarification is required."

Petitioner's statement that applicant is prepared to swear behind the Bingham et al. reference is noted. Although this statement is not a statement within the meaning of 37 CFR 1.111(b) it is accepted contingent upon the filing of an acceptable affidavit under 37 CFR 1.131. The affidavit should be presented in a timely manner, preferably prior to first Office action. Failure to timely submit an acceptable affidavit would likely result in the application of Bingham et al. *vis-a-vis* one or more of the instant claims.

Petitioner has also responsed to the item 6.3, part 9(C) requirement wherein petitioner was advised that the Accelerated Support Document failed to provide a detailed explanation of how *each* of the claims (particularly the dependent claims) are patentable over each of the references. Petitioner merely states that dependent claims 2-7, 9-12, and 14-15 "are not anticipated by or unpatentable over Cioffi, Kahre, Fattouche, Engstrom, Bruckert, Omura, Grube and Yamanaka" because each of the respective dependent claims directly or indirectly depends on an independent claim for which a reason for patentability has been provided.

Since no detailed explanation of patentability in regard to each of the dependent claims has been provided in the request for reconsideration, the statements provided for each of the dependent claims is being treated as an admission by the petitioner that the patentability of these dependent claims over each of the cited references stand or fall together with their respective independent claims.

Accordingly, all of the requirements to correct the deficiencies outlined in the petition decision mailed April 24, 2007 have been met.

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.

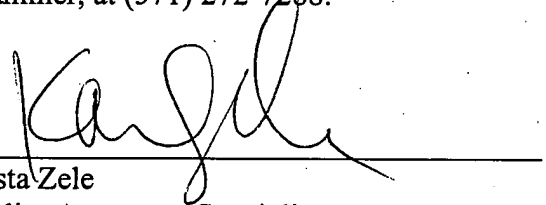
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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 Krista Zele, Special Program Examiner, at (571) 272-7288.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,398	03/16/2007	Daniel Delorme	02-423-G4	8120

20306 7590 03/26/2010

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EXAMINER	
CHU, YONG LIANG	
ART UNIT	**PAPER NUMBER**
1626	

MAIL DATE	DELIVERY MODE
03/26/2010	PAPER

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

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

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In re Application of :
Delorme et al.
Serial No.: 11/687,398 : Decision on Petition
Filed: April 5, 2007
Attorney Docket No.: **02-423-G4** :

This letter is in response to the petition filed under 37 C.F.R. § 1.181 filed on January 18, 2010, to withdraw the final rejection.

BACKGROUND

A 4-way restriction requirement was mailed to applicants on November 2, 2007.

Applicants made an election to the restriction requirement on December 3, 2007.

The examiner mailed to applicants a non-final Office action on February 27, 2008. Claims 1, 4-6, 8, 30, 31, 38 and 61 were rejected under 35 USC 103 (a) as being obvious over PCT publication WO2003-024448. Claims 1, 4-6, 8, 30, 31, 38 and 61 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 54, 61-63, 65-70, 77, 79, 81 82, 90-93 and 130-131 of copending Application No. 11/091,025. Claims 1, 4-6, 8, 30, 31, 38 and 61 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 129 of copending Application No. 10/242,304. Claims 1, 4-6, 8, 30, 31, 38 and 61 were objected to; and claims 2, 3, 7, 9-29, 32-37 and 39-60 were withdrawn from consideration.

On August 27, 2008, applicant submitted an amendment with remarks.

The examiner mailed to applicants a final Office action on November 20, 2008 wherein the 103(a) rejection was maintained, as well as the obviousness-type double patenting rejection. The restriction requirement was also maintained.

On February 20, 2009, applicant submitted a request for Continued Examination (RCE).

On April 29, 2009, the examiner mailed to applicants a non-final Office action wherein the rejection under 103 (a) was maintained because the declaration was considered defective. The obviousness-type double patenting rejections were obviated due to the filing of Terminal Disclaimers.

On July 24, 2009, applicants submitted an amendment with remarks.

On November 18, 2009, the examiner mailed to applicants a final Office action wherein the rejection under 103 (a) was indicated as obviated due to the filing of a declaration. Claims 1, 4-6, 8, 30, 31, 38 and 61 were objected to for containing elected and non-elected subject matter.

On January 18, 2010, an amendment after final was filed concurrently with the petition currently under review.

DISCUSSION

The petition and file history have been carefully considered.

In the petition, applicants indicate the "Office acknowledged that the Rule 131 Declaration obviated the last remaining rejection. Accordingly, the Office expanded the search beyond the elected species up to the scope of the subgenus of formula 1a-2 wherein W is -NH, R8 is H or C1-C4alkyl, and A and B are the same or different and independently selected from H, C1-C4alky, and OH, or a pharmaceutically salt thereof. While the applicants agree that an expansion of the search was warranted, they respectfully submit that it was stopped prematurely short of the proper scope required by MPEP 803.02, which states,

> Should applicant, in response to this rejection of the Markush-type claim, overcome the rejection, as by amending the Markush-type claim to exclude the species anticipated or rendered obvious by the prior art, the amended Markush-type claim will be reexamined. The examination will be extended to the extent necessary to determine patentability of the Markush-type claim.

Applicants argue the Patent Office guidelines expressly require the examiner to continue to expand the search "to the extent necessary to determine patentability of the Markush-type claim," which the applicants understand to mean until the full scope of the claim has been searched or other prior art is found that may render the claim unpatentable.

Applicants point out "these Guidelines have not been followed. The search has been suspended at the subgenus described above without (a) any indication of why the search was not expanded further nor, and perhaps more significantly, (b) without any prior art being identified as justifying suspending further expansion of the search. Furthermore, following expansion of the scope of search and examination, the next Office Action can be final only if art is found rendering the claims unpatentable and the rejection is necessitated by the applicant's amendment of the claims or based on an IDS submitted after the prior Office Action:

In the event prior art is found during the reexamination that anticipates or renders obvious the amended Markush-type claim, the claim will be rejected and the action can be made final unless the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

In the present instance, applicants point out that neither of these prerequisites have been established; the claims have not been amended nor was an IDS filed following the RCE. The finality of the rejection is, therefore, improper."

Applicants' arguments have been accorded careful consideration and are persuasive that the Office action was improperly made final since the guidelines entitle the applicants to continued expansion of the search and examination beyond the subgenus described above to the full extent permitted by the prior art and up to the full scope of the claims.

DECISION

The petition is **GRANTED**.

The Office action mailed November 18, 2009 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The after final amendment of January 18, 2010 will also be entered. This application will be forwarded to the examiner to take an action consistent with the decision herein.

Should there be any questions about this decision, please contact Special Program Examiner Marianne Seidel, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Remy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

Mail Date: 05/06/2010

Applicant	: Carl D. Wahlstrand	: DECISION ON REQUEST FOR
Patent Number	: 7647121	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/687,440	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BRINKS, HOFER, GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Simon Richard Greenwood, et al. :
Application No. 11/687,446 : DECISION ON PETITION
Filed: March 16, 2007 : TO WITHDRAW
Attorney Docket No. 9822/16 : 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 19, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Brinks, Horne, Gilson & Lione has been revoked by the assignee of the patent application on January 21, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: JEFFREY J. MAKEEVER
REINHART BOERNER VAN DEUREN, PC
2215 PERRYGREEN WAY
ROCKFORD, IL 61107

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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YAMAHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Takaie Matsumoto	: DECISION ON REQUEST FOR
Patent Number	: 7667342	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/687,452	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **417** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

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JAN 24 2008

OFFICE OF PETITIONS

In re Application of :
Oscar Stefanutti et al. :
Application No. 11/687,456 : DECISION ON PETITION
Filed: March 16, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 67022-008PUS1 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 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 by attorney of record on behalf of co-applicant Oscar Stefanutti. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 3637 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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DIW Jan-08

ROBERT L. LAMBERT
315 NAVARRE AVE., APT. 7
CORAL GABLES FL 33134

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JAN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert Louis Lambert	:	
Application Number: 11/687481	:	ON PETITION
Filing Date: 03/16/2007	:	
For: BOARD CONTROL GRIP STEP	:	
FOR SNOWBOARDS	:	

This is a decision on the petition to withdraw the holding of abandonment, filed on December 13, 2007.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application mailed on March 28, 2007, which set a two (2) month shortened period for reply. On December 7, 2007, Notice of Abandonment was mailed.

Petitioner asserts that the Notice mailed on March 28, 2007, was not received because it was mailed to the wrong address. Petitioners further asserts that "I recently signed up for a customer number under my name and upon my certification it was found that there was an incorrect address listed under my name and associated with my patent.

A review of the official file reveals that the Notice was returned as undeliverable due to an incorrect address and or customer associated with the file. As such, the showing of record is that there was an irregularity in the mailing of the Notice mailed on March 28, 2007, in that the Notice was not mailed to the correct correspondence address. Consequently, there is no abandonment in fact.

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

The application file is being referred to the Office of Patent Application Processing for remailing of the Notice mailed on March 28, 2007. The period for reply will be reset from the mailing date thereof.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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NALCO COMPANY
1601 W DIEHL ROAD
NAPERVILLE IL 60563-1198

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of :
Watkins, et al. :
Application No. 11/687,482 : ON PETITION
Filed: March 16, 2007 :
Attorney Docket No. 8242 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 2010, to revive the above-identified application.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704.

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

The instant petition lacks item (2), the petition fee. The petition fee is required for the filing, and not merely the grant, of the petition. Accordingly, on consideration will be made on the merits until such time as petitioner submits the fee.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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JUL 19 2010

OFFICE OF PETITIONS

NALCO COMPANY
1601 W DIEHL ROAD
NAPERVILLE IL 60563-1198

In re Application of :
Watkins, et al. :
Application No. 11/687,482 : ON PETITION
Filed: March 16, 2007 :
Attorney Docket No. 8242 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 6, 2010, to revive the above-identified application.

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

The above application became abandoned for failure to reply to the non-final Office action mailed May 1, 2009. This Office action set a shortened statutory period for reply of three months. No response having been received, the application became abandoned on August 2, 2009. The Office mailed a Notice of Abandonment on January 6, 2010. Applicants filed a petition to revive under 37 CFR 1.137(b) on April 27, 2010. However, because the petition was not accompanied by the petition fee, the petition was dismissed in a decision mailed on June 21, 2010.

With the instant renewed petition, applicants paid the petition fee. The proper statement of unintentional delay and the required reply in the form of a reply were previously filed on April 27, 2010.

The petition fee of $810 has been charged to Deposit Account No. 14-0105, as authorized.

The application is being forwarded to Group Art Unit 1797 for consideration of the reply filed July 6, 2010.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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JAN 31 2008

OFFICE OF PETITIONS

GLOBAL PATENT GROUP - KAL
ATTN: MS LAVERN HALL
10411 CLAYTON ROAD, SUITE 304
ST. LOUIS, MO 63131

In re Application of :

ZHAO, Cunxiang :
Application No. 11/687,485 : DECISION ON PETITION
Filed: March 16, 2007 : TO WITHDRAW
Attorney Docket No. **K0092-201-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 June 11, 2007.

The request is **NOT APPROVED.**

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "transfer of representation by assignee/owner", does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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JUL 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Patrick Call	:	
Application No. 11/687, 527	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 CFR § 10.40 filed May 1, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Eduard E. Drake or any attorneys associated with Customer Number 21186 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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JAN 12 2010

OFFICE OF PETITIONS

TIMOTHY M. HONEYCUTT
ATTORNEY AT LAW
PO BOX 1577
CYPRESS, TX 77410

In re Application of	:	
Seah Sun TOO, et al	:	
Application No. 11/687,529	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO WITHDRAW
Attorney Docket No. P3762US00	:	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 21, 2009.

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

A review of the file record indicates that the power of attorney to Timothy M. Honeycutt, has been revoked by the assignee of the patent application on December 4, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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SPECKMAN LAW GROUP PLLC
1201 THIRD AVENUE, SUITE 330
SEATTLE, WA 98101

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Macit GUROL, et al :
Application No. 11/687,561 : DECISION ON PETITION
Filed: March 16, 2007 : TO WITHDRAW
Attorney Docket No. 13418.1001NP : 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 30, 2009.

The request is **APPROVED**.

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

The request was signed by Janet Sleath on behalf of the attorneys of record associated with Customer No. 20601.

The attorneys of record associated with Customer No. 20601 have been withdrawn.

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

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

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MACIT GUROL
1417 N. 200TH STREET, UNIT A4
SHORELINE, WA 98133

cc: TAMER LABORATORIES, INC.
17230 12TH AVENUE NE
SHORELINE, WA 98155

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/687,561	03/16/2007	Macit Gurol	13418.1001NP

CONFIRMATION NO. 8420

POWER OF ATTORNEY NOTICE

20601
SPECKMAN LAW GROUP PLLC
1201 THIRD AVENUE, SUITE 330
SEATTLE, WA 98101

Date Mailed: 05/20/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/30/2009.

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

/dcgoodwyn/

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

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Ogilvy Renault LLP
1981 McGill College Avenue
Suite 1600
Montreal, QC H3A2Y3
CANADA

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AUG 25 2008

OFFICE OF PETITIONS

In re Application of :
Stephanie Menard et al. :
Application No. 11/687,572 : DECISION ON PETITION
Filed: March 16, 2007 : TO WITHDRAW
Attorney Docket No. 16805-17US : 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 13, 2008.

The request is **APPROVED**.

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

All attorneys/agents have been withdrawn.

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

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Simpler Networks Inc.
1840 Autoroute Transcanadienne
Suite 100
Dorval, Canada H9J 3Z9

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/687,572	03/16/2007	Stephane Menard	16805-17US

CONFIRMATION NO. 8442

POWER OF ATTORNEY NOTICE

20988
OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

Date Mailed: 08/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/13/2008.

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

/kainabinet/

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

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Irell & Manella LLP
1800 Avenue of the Stars
Suite 900
Los Angeles, CA 90067

In re application of
Robert Chen et al.
Application No. 11/687,594
Filed: March 16, 2007
For: ONE PIECE FLEXIBLE SKATEBOARD

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 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 petition in this case fails to comply with conditions II.5.2, II.6.2, and II.6.3, above.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. Specifically, with respect to the text search of the US Patents database, the petition lacks sufficiently specific search logic in that the examiner feels that searching for the term "plastic" is necessary. A sample of search logic to be used in this application is provided below:

((((skateboard) or (skate adj board) or (sport adj board) or (board)) and plastic) and (tilt$3 or twist$3))

This sample search logic is not meant to be the sole search logic that can or should be employed in this application, but is meant solely as an example for applicant's assistance.

Since the Search document which includes the "good faith belief that the pre-examination search was conducted in compliance with the requirements" is not signed, it is considered that the signature on the petition form PTO/SB/28 covers the above statement.

As to condition II.6.2, there currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. It is noted that there are explanations of the disclosures of the references, but it is not clear if the limitations (or a portion thereof) of each claim are clearly taught by the reference or not. That must be made clear.

Additionally for condition II.6.2, since it is required that the most closely related references are to be submitted with the petition, all of the references submitted are considered to be "most closely related" and need to be completely addressed, as provided above, in the Support Document.

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. The explanation needs to specify how each of the claims are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/. It is suggested that this format be followed.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

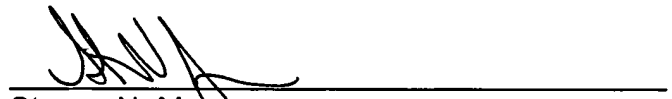
DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner 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 Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.



Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 4/12/07

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P.O. Box 1450
Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington DC 20037

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JAN 0 7 2010

In re Application of	:	
David Gorodyansky	:	DECISION ON PETITION
Application No. 11/687,600	:	TO WITHDRAW
Filed: March 16, 2007	:	FROM RECORD
Attorney Docket No. CA1616	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed November 18, 2009.

The request is **NOT APPROVED**.

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

Further, the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on November 18, 2009 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, 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 Brian W. Hannon on behalf of all attorneys of record associated with Customer Numbers 23373 and 23493. The request cannot be approved since all practitioners of record were not appointed by Customer Numbers 23373 and 23493. Accordingly, since the practitioners were appointed by a single Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Further, 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. Pavel I. Pogodin, Esq. is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed July 9, 2009 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

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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of
Leppisaari et al.
Application No. 11/687,610
Filed: March 16, 2007
Attorney Docket No. P3595US00

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 October 22, 2009.

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

A review of the file record indicates that the power of attorney to practitioners associated with Foley and Lardner LLP was revoked by the assignee of the patent application on November 9, 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 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: DITTHAVONG MORI & STEINER, P.C.
918 PRINCE STREET
ALEXANDRIA, VA 22314

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/18/09

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/687,611 Patent No.: 7,432,374

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
Palm Location 7580

Should the changes be made **Valerie Jackson** **Certificates of**
Correction Branch

703-756-1573

Thank You For Your Assistance

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

☐ **Approved** **All** changes apply.

XApproved in Part Specify below which changes **do not** apply.
The requested change to formula in col.241, lines 15-20, is NOT CONSISTENT with identical reaction shown in col.235, line 45 or in cols.228-229 . Note that compound # 595-72 appearing in col.228 has a double bond at the 1,2 position.

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

Comments: See Above

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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INTELLECTUAL PROPERTY DEPT.
DEWITT ROSS & STEVENS SC
2 EAST MIFFLIN STREET
SUITE 600
MADISON WI 53703-2865

MAILED

SEP 25 2009

OFFICE OF PETITIONS

In re Application of :
BOURASSA, Anuschka M. et al. :
Application No. 11/687,636 : DECISION ON PETITION
Filed: March 17, 2007 : TO WITHDRAW
Attorney Docket No. **63111.001** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 24, 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 Charles S. Sara on behalf of all attorneys of record who are associated with customer No. 25005. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Anuschka M. Bourassa at the address indicated below.

There are no outstanding Office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ANUSCHKA M. BOURASSA**
150 WEST
LAKE GENEVA, WI 53147

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

Mail Date: 04/20/2010

Applicant	: Stephen A. Leeflang	: DECISION ON REQUEST FOR
Patent Number	: 7621894	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/687,653	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **51** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

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AUG 0 3 2007

OFFICE OF PETITIONS

In re Application of :
Steve Alan Schoenberg et al. :
Application No. 11/687,683 : DECISION ON PETITION
Filed: March 18, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. SIXN-4713 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2611 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,700	03/19/2007	Tokuo Shimizu	740107-206	8720

25570 7590 03/07/2008

ROBERTS, MLOTKOWSKI & HOBBES
P. O. BOX 10064
MCLEAN, VA 22102-8064

EXAMINER	
GRANT, ALVIN J	

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
03/07/2008	ELECTRONIC

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

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

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

Dbeltran@rmhlaw.com
LGallaugher@rmhlaw.com

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ROBERTS, MLOTKOWSKI & HOBBES
P. O. BOX 10064
MCLEAN VA 22102-8064

3/5/08

In re Application of:
Shimizu, Tokuo et al
Serial No. 11/687,700
Filed: Mar. 29, 2007
Docket: 740107-206
Title: SPONGE BLASTING APPARATUS AND SPONGE BLASTING METHOD

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed Feb. 20, 2008 under 37 CFR 1.181 requesting a clear Office action be issued. In the petition, petitioner requests the examiner to identify with reasonable specificity what and where the drawing deficiency is so that a corrected drawing can be submitted. The petition is being considered under 37 CFR 1.181 and no fee is required.

The petition is Granted.

In finding petitioner's points of argument persuasive, the requested relief is granted. The examiner has been directed to issue a supplemental Office action to inform the applicant with specificity what and where the drawing correction needs to be made. In view of the supplemental Office action mailed Feb. 28, 2008, the requested relief has occurred.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

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OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, PLC
P.O. BOX 8910
RESTON VA 20195

In re Application of :
Christopher A. Bailey, et al. :
Application No. 11/687,721 : DECISION ON PETITION
Filed: March 19, 2007 : TO WITHDRAW
Attorney Docket No. 6645-000002/US/01 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 26, 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 Terry L. Clark 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 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: CHRISTOPHER A. BAILEY
1422 FOOTHILL ROAD
OJAI, CA 93023

cc: MATTHEW J. LATTIG
MCFRATH, GEISSLER, OLDS
& RICHARDSON, PLLC
10560 MAIN STREET
SUITE 213
FAIRFAX, VA 22030

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/687,721	03/19/2007	Christopher A. Bailey	6645-000002/US/01

CONFIRMATION NO. 8752

POWER OF ATTORNEY NOTICE

30593
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

OC00000026821577

Date Mailed: 11/20/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/26/2007.

- 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

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OFFICE OF PETITIONS

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

In re Application of :

OH, Yong N. :
Application No. 11/687,747 : DECISION ON PETITION
Filed: March 19, 2007 : TO WITHDRAW
Attorney Docket No. **305291US3** : 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 13, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Marvin Spivak on behalf of all attorneys of record who are associated with customer No. 22850. All attorneys/agents associated with the Customer Number 22850 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Young Nam OH 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: **YOUNG NAM OH**
GA-KYUNG INTERNATIONAL PATENT & LAW OFFICE
4TH FLOOR, YEUNSU BLDG.
1149 GUWEOL-1
DONG NAMDONG-GU
REPUBLIC OF KOREA

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HOGAN LOVELLS US LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of Levi et al. :
Application No. 11/687,748 : Letter
Filing Date: March 19, 2007 :
Attorney Docket No. 82031-0025 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 2, 2010.

37 CFR 1.28(c) states, "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full."

On March 19, 2007, Applicants paid $75 for the filing fee. The current filing fee for large entities, including large entities who file an application electronically, is $330.

On March 19, 2007, Applicants paid $75 for three claims in excess of twenty. The current fee for a large entity for three excess claims is $156.

On March 19, 2007, Applicants paid $250 for the search fee. The current search fee for a large entity is $540.

On March 19, 2007, Applicants paid $100 for the examination fee. The current examination fee for a large entity is $220.

On December 4, 2009, Applicants paid $65 for a one-month extension of time. The current fee for a large entity for a one-month extension of time is $130.

The letter filed February 2, 2010, states the deficiency owed is $640. However, in view of the facts above, and the general fee authorization in the letter, the Office has charged $811 to Deposit Account No. 50-1349.

The change of status to large entity has been entered and made of record.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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HUMAN GENOME SCIENCES INC.
INTELLECTUAL PROPERTY DEPT.
14200 SHADY GROVE ROAD
ROCKVILLE MD 20850

MAILED

JUN 26 2009

OFFICE OF PETITIONS

Applicant: Rosen et al.
Appl. No.: 11/687,755
Filing Date: March 19, 2007
Title: HAICP19 POLYNUCLEOTIDES
Attorney Docket No.: PS904D1
Pub. No.: 2008/0103090 A1
Pub. Date: May 1, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on July 1, 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; first, on the front page of the publication wherein some of the benefit claim data is not printed, and second, in a misformatting of Table 6.

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

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

[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).

no showing that the missing benefit claim would affect the effective date of the publication for any of the subject matter disclosed therein.

With respect to Table 6, although the formatting is not as set forth in applicant's specification, all of the information in the table as filed is present in the publication. While applicant states that this mistake "could be material, as the scope of claims 1-21 and 24 cannot be determined from the publication," this statement is not persuasive because claims 1-21 and 24 do not reference material from Table 6. Furthermore, claims 1-24 have been cancelled in an amendment filed October 24, 2008. Moreover, applicant admits that one could use the published data to determine the effective date of the ATCC deposits, as this information is available from the Office; see page 2 of the July 1, 2008 request.

It is further noted that requester should be aware that MPEP 1130 requires that "a request for corrected publication should include a listing of the alleged material errors made by the Office, marked up copies of the relevant pages of the publication and an indication of where in the specification as filed the relevant text appears."

On July 19, 2007 a Filing Receipt was mailed by the Office. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

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 Michael Cygan, Legal Advisor, at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

25 AUG 2009

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United States Patent and Trademark Office
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www.uspto.gov

22195
HUMAN GENOME SCIENCES INC.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, MD 20850

In re Application of :
ROSEN *et al* :
Application No.: 11/687,755 :
Filing Date: March 19, 2007 : **DECISION**
Attorney Docket No.: PS904D1 :
For: HAICP19 POLYNUCLEOTIDES :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed November 20, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed Supplemental Application Data Sheet.

The petition is hereby **DISMISSED** without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) for the following reasons.

The reference to add the prior-filed applications is not acceptable as drafted since it improperly incorporates by reference all the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)).

Applicants are further advised that the ADS does not bear a signature as required in accordance with 37 CFR 1.33 and 10.18. Applicants are encouraged to use the most recent version of the ADS which includes a signature block. It can be obtained at: http://www.uspto.gov/ebc/portal/efs/sb0014_fill.pdf .

Further, the benefit claim to U.S. application number 10/100,683 as indicated in the preliminary amendment is not acceptable as filed. Applicants submitted part of the preliminary amendment in a table form. The proper format to be used in a preliminary amendment is discussed in MPEP 201.11, Section III. C., which states in relevant part:

> Sometimes a pending application is one of a series of applications wherein the pending application is not copending with the first filed application but is copending with an intermediate application entitled to the benefit of the filing date of the first application. . . . Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A. (Emphasis added.)

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a substitute amendment (complying with 37 CFR 1.121) eliminating the improper incorporation by reference statement must be filed.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the Office of PCT Legal Administration at (571) 273-04559, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this matter may be directed to James Thomson at (571) 272-

11/687,755

3302.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,766	03/19/2007	Yasuaki OOTERA	305642US2S	8826

7590 10/28/2008

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

EXAMINER	
ART UNIT	PAPER NUMBER
1794	
NOTIFICATION DATE	DELIVERY MODE
10/28/2008	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

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Adjustment date: 10/27/2008  BPOWELL
03/19/2007 INTEFSW  00001770 11687766
02 FC:1111                    -500.00 OP
04 FC:1201                    -400.00 OP
05 FC:1203                    -360.00 OP
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Adjustment date: 10/27/2008  BPOWELL
03/19/2007 INTEFSW  00001770 11687766
02 FC:1111                    -500.00 OP
04 FC:1201                    -400.00 OP
05 FC:1203                    -360.00 OP
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,772	03/19/2007	Koji YAMAMOTO	305639US2RD	8844

7590 08/24/2009

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

EXAMINER	
WERNER, BRIAN P	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
08/24/2009	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.

Patent Publication Branch
Office of Data Management

Refund Ref:
08/21/2009 0838073574

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

Adjustment date: 08/21/2009 NFARMER
03/19/2007 INTEFSW 00001003 11687772
02 FC:1111 -500.00 OP

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON, OH 44311

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of :

ACKERMAN, Mark :
Application No. 11/687,797 : DECISION ON PETITION
Filed: March 19, 2007 : TO WITHDRAW
Attorney Docket No. **23437.44283** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 27, 2008.

The request is **APPROVED**.

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

The request was signed by Heather M. Barnes on behalf of all attorneys of record who are associated with customer No. 26781. 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 address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding Office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MARK ACKERMAN**
7600 WREN CT.
LINCOLN, NE 68506

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/687,799	03/19/2007	Kyong-tae Park	SWO-0067	8905

7590 05/14/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
TON, MINH TOAN T	

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
05/14/2009	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.

Nicole Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 05/13/2009 NFARMER
03/19/2007 INTEFSW 00001915 061130 11687799
02 FC:1111 500.00 CR
04 FC:1202 100.00 CR
05 FC:1201 200.00 CR

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BROUILLETTE & PARTNERS
METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL QC H3A-1X6 CA CANADA

COPY MAILED
DEC 03 2008

In re Application of	:	
Martine Cliche	:	
Application No. 11/687,866	:	DECISION ON PETITION
Filed: March 19, 2007	:	TO WITHDRAW
Attorney Docket No. 11089-004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 19, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response, that the practitioner(s) intend 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. The failure to do so may subject the practitioner to discipline.

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

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

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

cc: MARTINE CLICHE
1190, CHEM DES PARTIOTES
ST-JEAN-SUR-RICHELIEU, QUEBEC J2Y 1H4
CANADA

2 4 SEP 2008

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of: KUNITA ET AL.
U.S. Application No.: 11/687,889
Filing Date: 19 March 2007
Priority Date: 22 December 2004
Atty Docket No.: P31804
For: Gum Massager

DECISION

This is in response to applicants' Petition to Correct Indication of Application as Filed Under 35 USC 371, filed 13 May 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 22 December 2005, applicants filed international application PCT/JP2005/023581, which claimed priority of an earlier Japanese application filed 22 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 22 June 2007.

On 19 March 2007, applicants filed application papers in the USPTO via the EFS-Web electronic filing system ("EFS-Web"). The submission was accompanied by, *inter alia*, the requisite basic national fee.

On 23 May 2007, the DO/EO/US mailed a Notice Regarding Benefit/Priority Claim which stated that applicant improperly indicated the present application as a national stage application filed under 35 U.S.C. 371.

On 13 May 2008, applicants filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that applicants intended to file a national stage application under 35 U.S.C. 371 and not a regular utility application under 35 U.S.C. 111(a). The petition further states that applicants inadvertently selected "Utility" as the type of new application when completing the EFS-Web data entry screen. The petition requests that the present application be

treated as a national stage filing under 35 U.S.C. 371 based on international application PCT/JP2005/023581.

37 CFR 1.495(g) states, "The documents and fees submitted under paragraphs (b) and (c) of this section 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)." Furthermore, MPEP 1893.03(a) states in relevant part, "[I]f there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). A conflicting instruction will be present, for example, where application includes in the initial submission under 35 U.S.C. 371, a 'Utility Patent Application Transmittal' (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application".

In the present case, applicants' selection of the "Utility under 35 U.S.C. 111(a)" menu option was inconsistent with and would have contradicted any desire expressed in any papers that might have been filed to enter the national stage of the PCT under 35 U.S.C. 371. Therefore, due to the presence of conflicting instructions, the papers filed on 19 March 2007 were properly accepted as a filing under 35 U.S.C. 111(a).

Applicant may file a petition to claim benefit under 35 U.S.C. 120 to the PCT international application.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 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 1.181".

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.

The application is being forwarded to the Initial Processing Division for continued processing as a 35 U.S.C. 111(a) application.

Richard Cole
PCT Legal Examiner
PCT Legal Office

Katherine Moran
PCT Legal, Detailee
PCT Legal Office
Telephone: 571-272-6095
Facsimile: 571-273-0459

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of :
KUNITA et al. :
Application No.: 11/687,889 : DECISION
For: GUM MASSAGER :

This decision is in response to applicants' submission filed 28 October 2008. The submission includes a renewed petition under 37 CFR 1.181, a petition under 37 CFR 1.78(a)(3), and a Request For Refund.

BACKGROUND

On 22 December 2005, applicants filed international application PCT/JP2005/023581, which designated the United States and claimed a priority date of 22 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 June 2007.

On 19 March 2007, applicants filed application papers in the USPTO via the EFS-Web electronic filing system ("EFS-Web"). The submission was accompanied by, inter alia, the requisite basic national fee.

On 23 May 2007, the USPTO mailed a Notice Regarding Benefit/Priority Claim which stated that applicant improperly indicated the present application as a national stage application filed under 35 U.S.C. 371.

On 13 May 2008, applicants filed a submission which was properly treated as a petiiton under 37 CFR 1.181. The petition requested that the present application be treated as a national stage filing under 35 U.S.C. 371 based on international application PCT/JP2005/023581 rather than as a filing under 35 U.S.C. 111(a).

On 24 September 2008, a decision was mailed dismissing applicants' petition without prejudice. Specifically, it was noted that applicants' selection of the "Utility under 35 U.S.C. 111(a)" menu option was a conflicting instruction and the papers filed 19 March 2007 were properly accepted as a filing under 35 U.S.C. 111(a).

On 28 October 2008, applicants filed the instant renewed petition under 37 CFR 1.181, petition under 37 CFR 1.78(a)(3), and Request For Refund.

DISCUSSION

Conflicting Instructions

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> 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.

The Application Data Sheet (ADS) filed on 19 March 2007 identified the application as a 371 of international application number PCT/JP2005/023581. Another paper filed 19 March 2007 states that "[t]his is an express request to promptly begin national examination procedures (35 U.S.C. 371(f))." However, when filing the application electronically, applicant selected in the Graphical User Interface, the radio button "Utility (Utility under 35 USC 111(a))" rather than the radio button "U.S. National Stage under 35 U.S.C. 371". The selection of the "Utility (Utility under 35 USC 111(a))" button is inconsistent with and contradicts the ADS filed 19 March 2007. Since applicant gave conflicting instructions, the papers were properly considered as having been filed under 35 U.S.C. 111(a).

Renewed Petition Under 37 CFR 1.181

On and after 27 January 2007, the radio button for filing an application under 35 U.S.C. 111(a) reads "Utility (Utility under 35 USC 111(a))" rather than simply "Utility." The instant application papers were filed 19 March 2007. The indication "Utility (Utility under 35 USC 111(a))" does conflict with the indication that the application as a 371 of international application number PCT/JP2005/023581; an application cannot be both a filing under 35 USC 111(a) and a filing under 35 USC 371.

Petition Under 37 CFR 1.78(a)(3)

Applicants' petition under 37 CFR 1.78(a)(3), filed 28 October 2005, to accept an

unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/JP2005/023581, filed 22 December 2008, set forth in the amendment submitted concurrently with the petition under 37 CFR 1.78(a)(3), is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the above-noted, prior-filed PCT application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this instant application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit certified copies of the priority documents. The certified copies of priority documents submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

Request for Refund

It is urged that the surcharge under 37 CFR 1.17(t) for the petition under 37 CFR 1.78(a)(3) is not necessary because "applicants timely attempted to correct the error within the required four months from the filing date (i.e., March 19, 2007) of the application under 35 U.S.C. § 111(a) by the filing of a Request for Correction of the Filing Receipt on May 7, 2007, followed by a Petition to Correct Indication of Application as Filed Under 35 U.S.C. § 371 which resulted in the Decision mailed September 24, 2008. This Petition is being filing within two months of the date of the Decision." However, the Request for Correction of the Filing Receipt on May 7, 2007 did not include the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application. The Petition to Correct Indication of Application as Filed Under 35 U.S.C. § 371 was filed 13 May 2008, long after the required four months from the filing date (i.e., March 19, 2007) of the application under 35 U.S.C. § 111(a). Further, the Petition to Correct Indication of Application as Filed Under 35 U.S.C. § 371 did not include the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application.

CONCLUSION

For the reasons set forth above, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice; applicants' petition under 37 CFR 1.78(a)(3) is **GRANTED;** and applicants' request for refund is **REFUSED**.

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

Any inquiries concerning this decision may be directed to Daniel Stemmer at (571) 272-3301. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3771 for appropriate action on the amendment filed 28 October 2008, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
Office of PCT Legal Administration

/Boris Milef/

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PORTER WRIGHT MORRIS & ARTHUR, LLP
INTELLECTUAL PROPERTY GROUP
41 SOUTH HIGH STREET
28TH FLOOR
COLUMBUS OH 43215

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AUG 25 2008

In re Application of :
Handa :
Application No. 11/687,905 : ON PETITION
Filed: March 19, 2007 :
Attorney Docket No. 3994994-165082 :
For: THERMAL MANAGEMENT FOR
HIGH PRESSURE STORAGE TANKS

This is a decision on the petition under 37 CFR 1.137(b), filed June 17, 2008, to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application mailed September 14, 2007, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on November 15, 2007. A Notice of Abandonment was mailed on May 30, 2008.

Applicant has submitted a proper reply to the September 14, 2007 Notice in the form of $210.00 for 1 independent claim in excess of 3, $550.00 for 11 total claims over 20, and $360 for multiple dependent claim surcharge, an acceptable statement of the unintentional nature of the delay in responding to the September 14, 2007 Notice, and the $1,540.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Clarence A. Green
Perman & Green
425 Post Road
Fairfield CT 06430

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OFFICE OF PETITIONS

In re Application of :
Sami INKINEN et al. :
Application No. 11/687,913 : DECISION DISMISSING PETITION
Filed: March 19, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 297-008970-US (D01) :

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed September 14, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed nonprovisional applications set forth in the concurrently filed amendment.

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR § 1.78(a)(5)(ii). In addition, the petition under 37 CFR § 1.78(a)(6) must be accompanied by:

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

The petition does not comply with items (1) and (3).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Additionally, the statement of unintentional delay does not refer to 37 CFR 1.78(a)(2).

For the above-stated reasons, the petition is **DISMISSED**

Before the petition under 37 CFR § 1.78(a)(6) can be granted, a renewed petition and a substitute amendment or an Application Data Sheet (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5) and (6)) to correct the above matters are required.

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

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

Any questions concerning this matter may be directed to David Bucci at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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APR 23 2008

OFFICE OF PETITIONS

Clarence A. Green
Perman & Green
425 Post Road
Fairfield CT 06430

In re Application of
Sami INKINEN et al.
Application No. 11/687,913
Filed: March 19, 2007
Attorney Docket No. 297-008970-US (D01)

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 18, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2618 for appropriate action on the amendment filed December 18, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/687,913	03/19/2007	2618	1130	297-008970-US (D01)	5	1

CONFIRMATION NO. 9085

Clarence A. Green
Perman & Green
425 Post Road
Fairfield, CT 06430

CORRECTED FILING RECEIPT

Date Mailed: 04/23/2008

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

Applicant(s)

Sami Inkinen, Hameenlinna, FINLAND;
Simo Vapaakoski, Tampere, FINLAND;

Power of Attorney:
Clarence Green--24622
Mark Harrington--31686
Harry Smith--32493

Domestic Priority data as claimed by applicant

This application is a DIV of 09/428,813 10/28/1999 PAT 7,194,038

Foreign Applications
FINLAND 982353 10/29/1998

If Required, Foreign Filing License Granted: 04/02/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/687,913**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method for Data Communication between a Wireless Device and an Electronic Device, and a Data Communication Device

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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

In re Application of
CHUJOH, TAKESHI, et al.
Application No. 11/687,916
Filed: March 19, 2007
Attorney Docket No. 305517US2SRDDIV

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

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

The request and petition are **DISMISSED**.

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

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

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

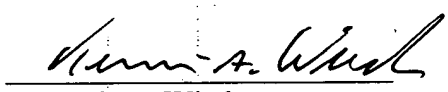
It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2006-294679 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO applications 2002-116718 and 2002-340042 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and those for which priority is claimed.

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

Any response must be submitted via EFS-web.

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

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



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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

In re Application of :
CHUJOH, TAKESHI :
Application No. 11/687,916 :
Filed: March 19, 2007 :
Attorney Docket No. 305517US2SRD DIV :

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 25, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 11/687,923 :
Filed: March 19, 2007 :
Attorney Docket No. 305490US2SRD DIV :

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 26, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

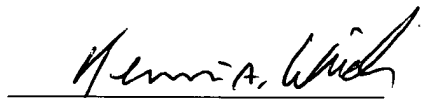
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
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ALEXANDRIA VA 22314

MAIL

JUL 25 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
CHUJOH, TAKESHI, et al.
Application No. 11/687,941
Filed: March 19, 2007
Attorney Docket No. 305477US2SRDDIV

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

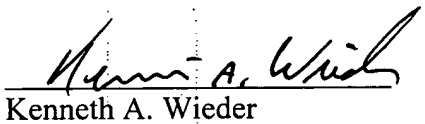
It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2006-294675 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO applications 2002-116718 and 2002-340042 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and those for which priority is claimed.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI :
Application No. 11/687,941 :
Filed: March 19, 2007 :
Attorney Docket No. 305477US2SRD DIV :

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 25, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
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OFFICE OF PETITIONS

GLOBAL PATENT GROUP
ATTN: MS LAVERN HALL
10411 CLAYTON ROAD, SUITE 304
FRONTENAC MO 63131

In re Application of :
SHIAU, Andrew K. et al. :
Application No. 11/687,949 : DECISION ON PETITION
Filed: March 19, 2007 : TO WITHDRAW
Attorney Docket No. **K0008-203-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 June 11, 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).

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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

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ALEXANDRIA VA 22314

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JUL 25 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
CHUJOH, TAKESHI, et al.
Application No. 11/687,956
Filed: March 19, 2007
Attorney Docket No. 305472US2SRDDIV

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

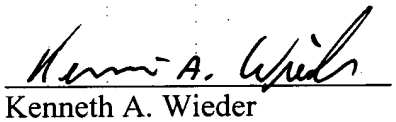
It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2006-294674 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO applications 2002-116718 and 2002-340042 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and those for which priority is claimed.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
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1940 DUKE STREET
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In re Application of :
CHUJOH, TAKESHI :
Application No. 11/687,956 :
Filed: March 19, 2007 :
Attorney Docket No. 305472US2SRDDIV :

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 25, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

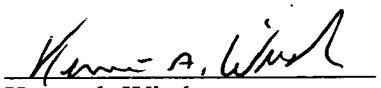
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



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In re Application of	:	
CHUJOH, TAKESHI, et al.	:	DECISION ON REQUEST TO
Application No. 11/687,975	:	PARTICIPATE IN PATENT
Filed: March 19, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 305502US2SRDDIV	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

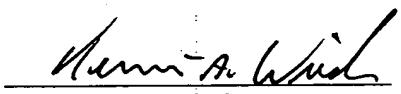
It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2006-294677 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO applications 2002-116718 and 2002-340042 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and those for which priority is claimed.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI :
Application No. 11/687,975 :
Filed: March 19, 2007 :
Attorney Docket No. 305502US2SRD DIV :

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 25, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/16/09

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction for Appl. No.: 11687979 Patent No.: 7393218

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 9C62-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: The changes are acceptable.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Tulsidas C. Patel/

SPE Art Unit
2839

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
CHUJOH, TAKESHI, et al.
Application No. 11/687,984
Filed: March 19, 2007
Attorney Docket No. 305461US2SRDDIV

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

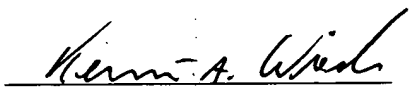
It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2006-294673 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO applications 2002-116718 and 2002-340042 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and those for which priority is claimed.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
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In re Application of :
CHUJOH, TAKESHI :
Application No. 11/687,984 :
Filed: March 19, 2007 :
Attorney Docket No. 305461US2SRDDIV :

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 25, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
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OFFICE OF PETITIONS

DUANE MORRIS LLP - Princeton
PO BOX 5203
PRINCETON NJ 08543-5203

In re Application of :
Jerry Michael Brown :
Application No. 11/688,005 : DECISION ON PETITION
Filed: March 19, 2007 : TO WITHDRAW
Attorney Docket No. **E0616-00004** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 14, 2009.

The request is **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 Won Joon Kouh on behalf of all attorneys of record who are associated with Customer No. 28581.

All attorneys/agents associated with the Customer No. 28581 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee of record "Telepier Foundation, LLC" at the address list listed in the request.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: TELEPIER FOUNDATION, LLC
(ATTNETION: MICHAEL JERRY BROWN)
912 HUNTINGTON CHASE CIRCLE
WARNER ROBINS, GA 31088

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/688,005	03/19/2007	Michael Jerry Brown	E0616-00004

CONFIRMATION NO. 9240

28581
DUANE MORRIS LLP - Princeton
PO BOX 5203
PRINCETON, NJ 08543-5203

POWER OF ATTORNEY NOTICE

OC000000037280468

Date Mailed: 08/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Timothy L. Harney
1404 N. Mohawk, #1
Chicago, IL 60610

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AUG 21 2009

OFFICE OF PETITIONS

In re Application of :
Rou Farhadieh :
Application No. 11/688,008 : DECISION ON PETITION
Filed: March 19, 2007 :
Attorney Docket No. FARHADIEH – 1.0 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed March 29, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly the case became abandoned on May 20, 2007. A Notice of Abandonment was mailed on September 23, 2008. A reply was received on October 11, 2007, but was not timely.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [Emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over 2 years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on May 20, 2007. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as the attorney Timothy L. Harney at the time of abandonment, an explanation is required as to why this application became abandoned while it was under his control and what efforts were made by Timothy Harney to further reply of itself and with whom this matter was discussed outside of the office of Timothy Harney. Copies of any correspondence relating to the filing, or to not filing, a further reply to the outstanding Office action are required from responsible person(s), appointed attorneys and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons then at the Office of Timothy Harney, and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned

application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay over 2 years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all persons then at the office of Timothy L. Harney and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. *See also* New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

Any renewed petition may be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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Timothy L. Harney
1404 N. Mohawk, #1
Chicago, IL 60610

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JAN 08 2010

In re Application of :
Rou Farhadieh :
Application No. 11/688,008 : DECISION ON PETITION
Filed: March 19, 2007 :
Attorney Docket No. FARHADIEH – 1.0 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed March 29, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly the case became abandoned on May 20, 2007. A Notice of Abandonment was mailed on September 23, 2008. A reply was received on October 11, 2007, but was not timely.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a $65 surcharge fee, $75 basic filing fee, $255 search fee and $105 examination fee (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

Telephone inquiries should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received October 11, 2007.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/688,008	03/19/2007	Rou Farhadieh	FARHADIEH - 1.0	9246

7590 04/07/2010

Timothy L. Hamey
1404 N. Mohawk, #1
Chicago, IL 60610

EXAMINER	
MARTIN, MATTHEW T	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
04/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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4/7/10

CST

In re application of
Rou Farhadieh
Serial No. 11/688,008
Filed: March 19, 2007
For: COMPACT SOLAR APPARATUS FOR PRODUCING ELECTRICITY

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on September 15, 2008 to make the above-identified application special based on contributing to conservation of energy.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection VI (energy) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not in condition for examination. Note, specifically, the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed on March 29, 2007, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

Additionally, the petition to make special was not filed concurrently with the application as required by MPEP § 708.02(a). The petition to make special was filed on September 15, 2008 and the present application was filed on March 19, 2007.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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JUL 25 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 11/688,009 :
Filed: March 19, 2007 :
Attorney Docket No. 305507US2SRDDIV :

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

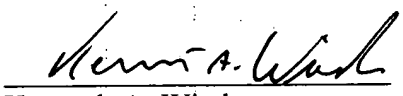
It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2006-294678 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO applications 2002-116718 and 2002-340042 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and those for which priority is claimed.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 17 2008

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TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI :
Application No. 11/688,009 :
Filed: March 19, 2007 :
Attorney Docket No. 305507US2SRD DIV :

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 25, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

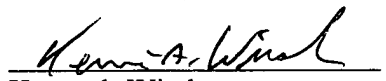
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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OFFICE OF PETITIONS

SHERRILL LAW OFFICES
4756 BANNING AVE, SUITE 212
WHITE BEAR LAKE, MN 55110-3205

In re Application of :
Roger W. HEEGAARD, et al. :
Application No. 11/688,032 : DECISION ON PETITION TO
Filed: March 19, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **ENOVA012USPT02** :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Michael Sherrill on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor Roger W. Heegaard at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **ROGER W. HEEGAARD**
1839 BUERKLE ROAD
SAINT PAUL, MN 55110

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

JUN 04 2007

In re Application of: White Serial No.: 11/688,033 Filed: March 19, 2007 Title: EXPANDABLE BRACHYTHERAPY DEVICE	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 19, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.1, 5.3, and 6, - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.2, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the four page PTO/SB/28 form, the "pre-examination search statement" including pages 1-4; the "accelerated examination support document" comprising pages 1- 28, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A). It is also noted that a second IDS statement has been filed as of April 27, 2007 without any accompanying accelerated examination support document. Therefore, consistent with 37 CFR 10.18, this IDS submission is treated as a representation that the references on the newly submitted IDS are not more closely related to any one or each of the claims than the references discussed in the accelerated examination support document and listed on the AE support document's accompanying IDS.

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 604 subclasses 19, 27, 41, 42, 509, 510, and 104-109. A grantable petition must include a search that is directed to the claimed invention and encompass all of the features of all of the claims, giving the claims the broadest reasonable interpretation.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

AUG 07 2007

In re Application of: White
Serial No.: 11/688,033
Filed: March 19, 2007
Title: EXPANDABLE BRACHYTHERAPY DEVICE

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration of petition filed on July 5, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

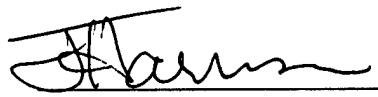
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to J. Harrison, Special Program Examiner, at (571) 272-4449.



J. Harrison, Special Program Examiner
Technology Center 3700

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

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JUL 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Klaus Hartig, et al. :
Application No. 11/688,036 : DECISION ON PETITION
Filed: March 19, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 44046.203.420.2 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 5, 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 from the attorney of record declaring that he/she is in possession of evidence showing that the applicant 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 3644 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Gregg A. CALDWELL	: DECISION ON REQUEST FOR
Patent Number	: 7659351	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/688,074	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **493** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

DATE 9-7-07 APPLICATION NUMBER 11/688,085

DOC CODE Ref.Doc.OIPE DOC DATE _____

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

. AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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ACUSHNET COMPANY
333 BRIDGE STREET
P. O. BOX 965
FAIRHAVEN MA 02719

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Joseph B. Mayer, Jr. :
Application No. 11/688085 :
Filing or 371(c) Date: 03/19/2007 :
Attorney Docket Number: : DECISION
B03-43-D1 : ON PETITION

This is a decision on the "Petition Under 37 CFR 1.182", filed May 1, 2007, requesting the above-identified application be accorded a filing date of March 19, 2007, based upon incorporation by reference of omitted drawings contained in a prior application. The delay in treating this petition is regretted.

The petition is granted to the extent indicated herein.

The application was filed on of March 19, 2007. On April 16, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application was deposited without drawings.

Applicant's assertion

Applicant responds with the present petition and asserts that drawings were contained in the prior application, which was incorporated by reference into the present divisional application. Applicant has also filed an amendment of the present application to include drawings.

Incorporation by reference

A review of the application file reveals that the application incorporated by reference the entire disclosure of prior application no. 10/845,924. A review of application no. 10/845,924 reveals that the application contains drawings. Therefore, based upon applicant's incorporation by

reference of the contents of the prior application on filing of the present application, a filing date of March 19, 2007 may be accorded the present application. Receipt of the amendment is hereby acknowledged. The Examiner will address any issues of new matter.

Because the petition was not necessitated by an error on the part of this Office, the petition fee will not be refunded.

Conclusion

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of March 19, 2007, using the application papers present on that date, and for the mailing of a Corrected Filing Receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571-272-3232.

Derek L. Woods
Attorney
Office of Petitions

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Michael A. Meis	: DECISION ON REQUEST FOR
Patent Number	: 7611271	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/688,102	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/688,105	03/19/2007	Curtis Christian CRANE	26432-0015	9419

7590 11/25/2009

MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

EXAMINER	
JIANG, CHEN WEN	

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
11/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 11/25/2009 NFARMER
03/20/2007 INTEFSW 00000362 501059 11688105
02 FC:1111 500.00 CR
04 FC:1202 300.00 CR

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Kelly Drye & Warren LLP
400 Atlantic Street, 13th Floor
Stamford, CT 06901

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JAN 18 2008

OFFICE OF PETITIONS

In re Application of :
Amiram Steinberg :
Application No. 11/688,153 : DECISION ON PETITION
Filed: March 18, 2007 : TO WITHDRAW
Attorney Docket No. 40258.38 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 28, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Kelly Drye & Warren, LLP has been revoked by the assignee of the patent application on December 20, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Haynes and Boone, LLP**
901 Main Street
Suite 3100
Dallas, TX 75202

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MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

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FEB 08 2010

In re Application of
Ron MCCABE, et al
Application No. 11/688,222
Filed: March 19, 2007
Attorney Docket No. 6071-114

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 21, 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 July 22, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 3.

With respect to item 3: The statement of unintentional delay cannot be accepted because the statement signed by Applicant Ron McCabe does not include the signature of all applicants nor is there an indication that Applicant Ron McCabe was ever given power of attorney to act on behalf of Applicant Tracy Camp or that he/she is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b). Accordingly, the petition is considered to not contain a proper statement of unintentional delay.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: RON MCCABE
6835 SE 78TH AVE.
PORTLAND, OR 97206

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

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APR 2 6 2010

OFFICE OF PETITIONS

In re Application of :
Ron MCCABE, et al :
Application No. 11/688,222 : DECISION ON PETITION
Filed: March 19, 2007 :
Attorney Docket No. 6071-114 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 7, 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, April 21, 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 July 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2454 for appropriate action by the Examiner in the normal course of business.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: RON MCCABE
6835 SE 78TH AVE.
PORTLAND, OR 97206

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JACKSON & CO., LLP
6114 LA SALLE AVENUE
#507
OAKLAND, CA 94611-2802

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MAR 17 2008

In re Application of

SMEDBERG, Michael et al.
Application No. 11/688,247
Filed: March 19, 2007
Attorney Docket No. **BE-06-21 (991302)**

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 04, 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 Seong-Kun Oh on behalf of all attorneys of record who are associated with customer No. 30349. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MICHAEL SMEDBERG**
4209 HOWE ST.
OAKLAND, CA 94611

cc: **SF BAY AREA PATENTS, LLC**
ATTN: ANDREW V. SMITH, PH.D.
601 VAN NESS AVENUE, #1108
SAN FRANCISCO, CA 94102

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/10/10

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: 11688254 Patent No.: 7656097

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

Douglas K. Owens
SPE

2821
Art Unit

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ANGUS C. FOX, III
4093 N. IMPERIAL WAY
PROVO UT 84604-5386

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of
Bradley H. Cowan
Application No. 11/688,255
Filed: March 19, 2007
Attorney Docket No. CBH06-01U

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed September 25, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3641 for appropriate action by the Examiner in the normal course of business on the reply received September 30, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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MONTO H. KUMAGAI
36785 RUSSELL BOULVARD
DAVIS CA 95516

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JUN 09 2010

OFFICE OF PETITIONS

In re Application of :
Monto H. Kumagai, et al. :
Application No. 11/688,260 : ON PETITION
Filed: March 20, 2007 :
Attorney Docket No.: None :

This is a decision in response to the petition, filed March 29, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED** because it is not signed in accordance with 37 CFR 1.33(b). The petition is signed by one of the two joint inventors.

37 CFR 1.33(b) states that:

> Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under §3.71(b) of this chapter; or
>
> (4) **All of the applicants** (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter. Emphasis added

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of three applicants and the one signing has not been given a power of attorney by the other applicants.

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a

grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

Therefore, as the petition containing the statement of unintentional delay is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Monto H. Kumagai) was ever given a power of attorney to act on behalf of the other inventor, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and include a ratification of the unsigned petition.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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1 www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Noboru KATO	: DECISION ON REQUEST FOR
Patent Number	: 7629942	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/688,290	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **360** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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C/O KEATING & BENNETT, LLP
1800 ALEXANDER BELL DRIVE, SUITE 200
RESTON, VA 20191

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MAR 02 2010

In re Application of :
Yoshihiko Nishizawa :
Application No. 11/688,362 : ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. 36856.1521

This is a decision on the petition, filed March 1, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 2, 2010 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 2892 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

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MAR 28 2008

OFFICE OF PETITIONS

In re Application of :
Marc DUBOIS et al. :
Application No. 11/688,379 : DECISION ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. TA-00892 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed April 11, 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 June 12, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees; (2) the petition fee of $1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of April 11, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Office of Initial Patent Examination.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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APR 13 2007

TECHNOLOGY CENTER 3600

Akin, Gump, Strauss, Hauer & Feld LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103

In re application of
Gene Gryziecki
Application No. 11/688,383
Filed: March 20, 2007
For: METHOD FOR MANAGING RETIRMENT AND OTHER INVESTMENTS THAT USE AN ASSET ACCUMULATION STRATEGY

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on March 20, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 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 petition in this case fails to comply with conditions II.5.2, II.6.2, II.6.3 and II.6.5, above.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. Specifically, with respect to the text search of the NPL database, the petition lacks sufficiently specific search logic in that the examiner feels that searching for the terms used in line L4 of the US patent text search is critical to a proper NPL search and necessary to be included.

As to condition II.6.2, there currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. Although references are provided which appear to disclose claimed limitations, where in the references these disclosures reside are not clear. Providing locations such as "throughout the article" and "throughout the '191 patent" are insufficient. Specific locations must be made clear.

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. The explanation needs to specify how each of the claims are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. Claims 5, 12 and 19 do not seem to be addressed.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/. It is suggested that the portions of the format relevant to the above items be followed.

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is sufficient. However, similar support (if any) for the claimed invention must additionally be shown in any parent application upon which priority is claimed under 35 USC 119. Specifically, for provisional application 60/872,686, a listing of where the limitations of the claims find support is necessary in order to allow the examiner to determine the effective filing dates of the various claims.

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 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 Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 4/12/07

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JUN 22 2007

TECHNOLOGY CENTER 3600

Akin, Gump, Strauss, Hauer & Feld LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103

In re application of
Gene Gryziecki
Application No. 11/688,383
Filed: March 20, 2007
For: METHOD FOR MANAGING RETIREMENT AND OTHER INVESTMENTS THAT USE AN ASSET ACCUMULATION STRATEGY

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on May 10, 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 to 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.

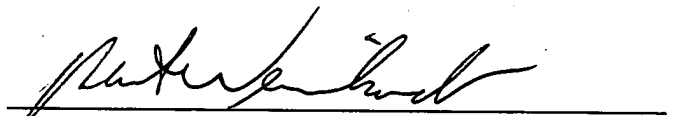
On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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 Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



Robert A. Weinhardt
Business Practice Specialist
Technology Center 3600

RW/bvd: 6/14/07

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SEP 16 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HOFFMAN WARNICK LLC
75 STATE ST
14 FL
ALBANY NY 12207

In re Application of :
SHIMIZU, NAOTO, et al. :
Application No. 11/688,385 :
Filed: March 20, 2007 :
Attorney Docket No. JP920050176US1 :

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 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:

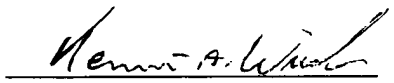
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
7700 BONHOMME, SUITE 400
ST. LOUIS, MO 63105

COPY MAILED
MAR 18 2010

In re Application of	:	
Zaza Ahmed	:	DECISION ON PETITION
Application No. 11/688,392	:	TO WITHDRAW
Filed: March 20, 2007	:	FROM RECORD
Attorney Docket No. 8596-000003/US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 16, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on February 13, 2010 the power of attorney to Harness, Dickey & Pierce, P.L.C. was revoked by the applicant 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: STACY L. SKORNIA
SKORNIA LAW LLC
6614 CLAYTON RD.
#348
ST. LOUIS MO 63117

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

MAILED

JUN 09 2009

OFFICE OF PETITIONS

In re Application of	:	
David J. Winsness, et al.	:	
Application No. 11/688,425	:	DECISION GRANTING PETITION
Filed: March 20, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GCS0001USC	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 5, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 13, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MAY 24 2010

OFFICE OF PETITIONS

EDELL SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

In re Application of :
Patrick Louis Ponsardin et al :
Application No. 11/688,434 : ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. 2800.0321C

This is a decision on the petition, filed May 19, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 16, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2886 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/7/08

TO SPE OF : ART UNIT 2833 11,688,458

SUBJECT : Request for Certificate of Correction on Patent No.: 7,320,624

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7590, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Delora Dillard

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9250 ext. 172

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:

_____

_____

_____

_____

_____

_____ 2833

SPE **Art Unit**

7/28/08

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Lucas & Mercanti, LLP
475 Park Avenue South
15th Floor
New York, NY 10016

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APR 23 2009

OFFICE OF PETITIONS

In re Application of :
Partha S. Banerjee et al. :
Application No. 11/688,463 : DECISION ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. 1121.0207.US1.CON4 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 12, 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 February 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 14, 2008. Accordingly, the date of abandonment of this application is February 18, 2009. A Notice of Abandonment was mailed on March 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/688,464	03/20/2007	So ISHIKA	305641US2	1092

7590 09/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2828	
NOTIFICATION DATE	DELIVERY MODE
09/03/2008	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/03/2008 BPOWELL
03/21/2007 INTEFSW 00000080 11688464
02 FC:1111 -500.00 OP
04 FC:1203 -360.00 OP

Adjustment date: 09/03/2008 BPOWELL
03/21/2007 INTEFSW 00000080 11688464
02 FC:1111 -500.00 OP
04 FC:1203 -360.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Edward J. Woo	: DECISION ON REQUEST FOR
Patent Number	: 7628829	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/688,482	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Shinji SHIMADA
1-2 , Higashi 2-chome
Okegawa 363-0-013 JP JAPAN

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OFFICE OF PETITIONS

In re Application of	:	
Shinji SHIMADA	:	
Application No. 11/688487	:	DECISION
Filing or 371(c) Date: 03/20/2007	:	ON PETITION
Title of Invention:	:	
COMPOSITION COMPRISING NANOPARTICLE GINKGO BILOBA EXTRACT WITH THE EFFECT OF BRAIN FUNCTION ACTIVATION	:	

This is a decision on the correspondence filed January 28, 2008, requesting revival of the above-identified application. The request is properly treated as a petition to revive a patent application unintentionally abandoned, under 37 CFR 1.137(b).

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed April 3, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on June 4, 2007. A Notice of Abandonment was mailed December 7, 2007.

The present petition

Applicant files the present petition and states that he was out-of-town on a business project from March to December last year, and he did not receive the Notice until he came home on December 12, 2007. This is why he did not respond within the two (2) month time period.

A Grantable Petition Under 37 CFR 1.137(b)

A grantable petition pursuant to this paragraph must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition fee

As to item (**2**), Applicant is advised that before the merits of Applicant's petition may be considered, the petition fee must be submitted. The fee for a petition to revive an application based upon an unintentionally delayed response to an Office communication is currently $770.00 for a small entity. Petitioner must submit the petition fee.

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. All other inquiries should be directed to the applicable Office.

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

Shinji SHIMADA
1-2 , Higashi 2-chome
Okegawa 363-0-013 JP JAPAN

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MAY 22 2008

OFFICE OF PETITIONS

In re Application of :
Shinji SHIMADA :
Application No. 11/688487 : DECISION
Filing or 371(c) Date: 03/20/2007 : ON PETITION
Title of Invention: :
COMPOSITION COMPRISING NANOPARTICLE :
GINKGO BILOBA EXTRACT WITH THE EFFECT OF :
BRAIN FUNCTION ACTIVATION :

This is a decision on the petition to revive a patent application unintentionally abandoned, under 37 CFR 1.137(b), filed April 7, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed April 3, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on June 4, 2007. A Notice of Abandonment was mailed December 7, 2007.

With the present petition, Applicant has filed a response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to the Office of Patent Application Processing for processing of the reply, and for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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SHINJI SHIMADA
1-2 , HIGASHI 2-CHOME
OKEGAWA 363-0-013 JP JAPAN

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of
Shinji Shimada
Application No. 11/688,487
Filed: March 20, 2007
Attorney Docket No.

ON PETITION

This is in response to the communication, filed December 28, 2009, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

On April 17, 2009, the Office mailed a non-final Office action, which set a three month shortened statutory period to reply. The application became abandoned on July 18, 2009, for failure to submit a timely response to the April 17, 2009 Office action. On December 1, 2009, the Office mailed a Notice of Abandonment.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner argues that a reply was timely filed on June 9, 2009 by Japan Express Mail EE415184006. However, the reply was not received by the Office. Any correspondence received by the US Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed within the USPTO on the date of deposit with the USPS.

Since the reply was not received in the Office by via USPS, the reply is considered untimely and the petition cannot be granted at the present time. Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Any request for reconsideration of this decision should be submitted within **TWO (2) MONTHS** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/688,497	03/20/2007	Edward J. Woo	62861US002	1138

7590 05/01/2009

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
MARCHESCHI, MICHAEL A	
ART UNIT	**PAPER NUMBER**
1793	
NOTIFICATION DATE	**DELIVERY MODE**
05/01/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/688,555	03/20/2007	Joon-hak OH	SWO-0066	1212

7590 05/14/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
NGUYEN, TRI V	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
05/14/2009	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: 05/13/2009 NFARMER
03/21/2007 INTEFSW 00000303 061130 11688555
02 FC:1111 500.00 CR
04 FC:1202 950.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
SALT LAKE CITY, UT 84101

Mail Date: 04/26/2010

Applicant	: Chen-chen Liao	: DECISION ON REQUEST FOR
Patent Number	: 7599116	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/688,578	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **153** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

MAILED

JUL 31 2009

OFFICE OF PETITIONS

In re Application of	:	
Pousti et al.	:	DECISION ON PETITION
Application No. 11/688,584	:	TO WITHDRAW
Filed: March 20, 2007	:	FROM RECORD
Attorney Docket No. 116559-1101UT	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on July 9, 2009 the power of attorney to Baker & Mckenzie 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: Procopio Cory, Hargreaves & Savitch LLP
530 B Street
Suite 2100
San Diego CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BARNES & THORNBURG LLP
750-17TH STREET NW
SUITE 900
WASHINGTON DC 20006-4675

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JUN 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Ville Kummu, et al. :
Application No. 11/688,594 : ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. 44655/45568 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 17, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 2, 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 June 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and $65 surcharge; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

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

RECEIVED
CENTRAL FAX CENTER

OCT 17 2007

PTO/SB/64 (10-07)
Approved for use through 10/31/2007. OMB 0651-0031
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 44855-45568

First named Inventor: Ville Kummu et al.

Application No.: 11/688,594 Art Unit: 2154

Filed: March 20, 2007 Examiner: Unknown-Unassigned

Title: Appliances Domain Name Server

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☑ Small entity-fee $ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Notice to File Missing Parts (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/27/2008 CKHLOK 00000003 021010 11688594
01 FC:2051 65.00 DA
02 FC:2453 770.00 DA

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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P.O. BOX 2107
CEDAR RAPIDS IA 52406

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AUG 27 2008

In re Application of :
Wall :
Application No. 11/688,606 : DECISION ON PETITION
Filed: 20 March, 2007 :
Attorney Docket No. 19617-1-P5 :

This is a decision on the petition filed on 14 August, 2007, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.

The petition under 37 C.F.R §1.182 is **DISMISSED** without prejudice.

A 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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

> **605.04(c)Inventor Changes Name [R-5]**
>
> 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.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

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.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record.

BACKGROUND

A search of the file indicates that:

The instant application was filed on 20 March, 2007, with an executed oath/declaration in the name of "George W. Wall"—the name having been typed and signed in that form.

On 14 August, 2007, Petitioner Ryan N. Carter (Reg. No 51,533) indicated to the Office that the name of inventor/applicant should be corrected to "George Wall."

Petitioner failed to include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an

applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant petition is **dismissed** without prejudice pending Petitioner's submission of the renewed petition with companion declaration by inventor/applicant and updated application data sheet (ADS).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By 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.**

[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[9]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[9] 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.

Office of Petitions: Decision Count Sheet

Mailing Month

Office of Petitions Internal Document (version: 4.26.6)

Application No. 11688606

11688606

For US serial numbers: enter number only; no slashes or commas. Ex: 10123456

For PCT: enter "51+single digit of year of filing+last 5 numbers", Ex. for PCT/US05/12345, enter 51512345

Deciding Official: GILLON, JOHN

Count (1) - Palm Credit 11/688,606

Decision Type: 519 - 37 CFR 1.182 for INVENTOR NAME CHANGE, ORDER OF INVENTOR PRIOR

Decision: DISMISSED

Time Period for Reply: TWO (2) MONTHS

COPY MAILED

AUG 27 2008

Notes:

Count (2)

Decision Type: NONE

Decision: n/a

Time Period for Reply: n/a

Notes:

Count (3)

Decision Type: NONE

Decision: n/a

Time Period for Reply: n/a

Notes:

if more than 3 decisions, attach 2nd count sheet & mark this box ☐

_____ Initials of Approving Official (if required)

Printed on: *8/23/2008*

UNITED STATES PATENT AND TRADEMARK OFFICE

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115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

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MAR 31 2009

OFFICE OF PETITIONS

In re Application of :
Wall :
Application No. 11/688,606 : DECISION ON PETITION
Filed: 20 March, 2007 :
Attorney Docket No. 19617-1-P5 :

This is a decision on the petition filed on 29 September, 2008, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition is **GRANTED**.

BACKGROUND

The petition alleges that, after filing, Applicant at the signing of the oath/declaration, Petitioner sought and obtained a court order setting forth a change of name from George W. Wall to **GEORGE WALL**.

Petitioner is reminded to provide a supplemental application datasheet–also a directive set forth in the commentary at MPEP §605.04(c).

Petitioner is reminded to submit to the Assignment Division a corrected assignment document and cover sheet--as well as the appropriate fee--as set forth in 37 C.F.R. §1.21(h) for change of the assignment record.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

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.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

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.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record.

BACKGROUND

A search of the file indicates that:

The instant application was filed on 20 March, 2007, with an executed oath/declaration in the name of "George W. Wall"—the name having been typed and signed in that form.

On 14 August, 2007, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to "George Wall."

Petitioner failed to include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct. The petition was dismissed on 27 August, 2008.

The petition was submitted on 28 September, 2008, with a declaration executed by the Applicant with the name set forth as previously incorrect and in the corrected form.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The petition under 37 C.F.R. §1.182 is **granted.**

This application is released to OIPE with instructions to reflect the correct statement of the inventor's name (formerly known as George W. Wall) to GEORGE WALL, and to:

- **issue a corrected filing receipt; and**
- **insert into the record the corrected bib sheet,**

and so release the application 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.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[9]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[9] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

DEAN P. ALDERUCCI
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET
(6TH FLOOR)
NEW YORK NY 10022

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Howard Lutnick : DECISION ON PETITION
Application No. 11/688,608 :
Filed: March 20, 2007 :
Attorney Docket No. 07-2154 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed November 28, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed April 5, 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. No reply having been received, the above-identified application became abandoned on June 6, 2007. The filing of this petition precedes the mailing of a courtesy Notice of Abandonment.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition included the required reply in the form of an executed declaration, payment of the statutory filing fee and the late surcharge; the petition fee; and the required statement of unintentional delay.

The Office of Patent Application Processing (formerly known as the Office of Initial Patent Examination) has been advised of this decision. The application is, thereby, being forwarded to

the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed November 28, 2007.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAYER BROWN LLP
P.O. BOX 2828
CHICAGO, IL 60690

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SEP 23 2008

In re Application of
Abdelbaki et al.
Application No. 11/688,642
Filed: March 20, 2007
Attorney Docket No. 06038829

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 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 April 2, 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 June 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and surcharge, (2) the petition fee of 770.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE CA 92614

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Juan P. Renteria :
Application No. 11/688,656 : DECISION ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. JRPIPE.002C1C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed April 20, 2009. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on July 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00, three- month extension of time fee submitted on November 24, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center 3754 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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APR 24 2007

Technology Center 2100

GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

In re Application of:
Lucas Gonze et al.
Serial No.: 11/688,657
Filed: March 20, 2007
Docket: 085804.025900 (ID06-0067)
Title: BROWSER INTERPRETABLE DOCUMENT FOR CONTROLLING A PLURALITY OF MEDIA PLAYERS AND SYSTEMS AND METHODS RELATED THERETO

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 20, 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 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 filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1 – I.4, II.1 – II.4, II5.1, II.5.3 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2, II.6.2, 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, 5.2 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.

With respect to item II.5.2 above, claim limitations some of which have been asserted as patentable features distinguishing the claimed invention from the cited prior art ("storing the graphical user interface and the association of the playlist...interpretable by a web browser", "hidden from a user" in claim 1; "storing the graphical user interface and the association of the.... process code...interpretable by a web browser" in claim 6; "stored in the same file" in claim 7; "graphical user interface ... stored in a markup language" , "playlist is stored in a markup language" in claim 8; "browser interpretable document comprising a playlist...graphical user interface definition.... and, a set of commands" in claim 15; "graphical user interface definition ...defined in a ...markup language" in claim 16 and "Hypertext Markup Language" in claim 17) or any search terms covering these limitations do not appear to have been included in any of the "USPTO EAST" search and the Non-Patent literature (NPL) search. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that both the "USPTO EAST" search and the NPL search cover these concepts, and update the search and/or provide any clarifications if deemed necessary.

Regarding the requirement of item 6.1 above, the IDS is not accompanied by a legible copy of each Non-Patent literature document cited on the PTO-1449 as required by 37 CFR 1.98(2)(ii). Specifically, copies of documents AR, AS, AU, AW and AX received in the Office contain at least some text and/or screen captures that are illegible. Correction is required. Further, there are two distinct references identified as document AW on the PTO-1449. Correction is required.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.2 above, while the discussion of the U. S. Patent documents is acceptable, the discussion of each of the NPL documents does not cite to specific relevant portions of each reference for each claim limitation asserted to be taught by the reference. For most of the references, applicant only refers to one or two complete pages of text and screen captures as corresponding to each claim limitation, without identifying the specific features and/or elements described in the text and/or the screen captures in the reference documents, therefore failing to point out how the reference teaches each claim limitation.

Regarding item 6.3 above, the Support Document fails to provide 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). Specifically, the petitioner's "Statement of Patentability" is not clear and

[1] MPEP 8th ed. rev 5 August 2006

consistent as to how each of the claims is patentable over the references cited. In particular, petitioner asserts in section 9(C) of the Support Document that none of the references teach or suggest the limitations "storing the graphical user interface and the association of the playlist with the graphical user interface in a manner interpretable by the web browser" as recited in claim 1 and "storing the graphical user interface and the association of the computer program process code with the graphical user interface in a manner interpretable by the web browser" as recited in claim 6, while in section 9(B) of the support document, petitioner appears to indicate that at least two of the cited references (Demers et al., U.S.Patent Publication No. 2004/0068536 and "TV.yahoo.com player") teach at least the limitation of "storing the graphical user interface in a manner interpretable by the web browser". Thus petitioner has not clearly pointed out how the language of the claims patentably distinguishes them from the references, as required by 37 CFR 1.111(b) and (c). In addition, petitioner should review the Detailed Explanation of Patentability section in view of changes and clarifications added to section 9(B) 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, 8 and 15). 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, 8 and 15.

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 any claim limitation and the corresponding support in the cited portions of specification. Clarification and identification of support for each limitation in each of claims 1-20 is required.

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

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JUN 11 2007

Technology Center 2100

GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

In re Application of:
Lucas Gonze et al.
Serial No.: 11/688,657
Filed: March 20, 2007
Docket: 085804.025900 (ID06-0067)
Title: BROWSER INTERPRETABLE DOCUMENT FOR CONTROLLING A PLURALITY OF MEDIA PLAYERS AND SYSTEMS AND METHODS RELATED THERETO

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 May 24, 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 March 20, 2007 was dismissed in the decision mailed on April 24, 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.

Any inquiry regarding this decision should be directed to Kakali Chaki, Quality Assurance Specialist, at (571) 272-3719.

Kakali Chaki, WQAS 2120
Technology Center 2100
Computer Architecture, Software and Information Security

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ALBUQUERQUE, NM 87114

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
Andrew S. Van Luchene, et al. :
Application No.: 11/688,689 : ON PETITION
Filed: March 20, 2007 :
Attorney Docket No.: 3401202 :

This is a decision on the petition, filed February 2, 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 January 21, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2841 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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KUNZLER & MCKENZIE
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY, UT 84111

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OFFICE OF PETITIONS

In re Application of :
Thomas M. Yonushonis et al :
Application No. 11/688,697 : DECISION ON PETITION
Filed: March 20, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 8-02-4920 :

This is a decision on the petition, filed May 29, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen months publication country on February 26, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen months 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 will be mailed in a separate correspondence.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2831 for examination in due course.

Irvin Dingle
Petitions Examiner
Office of Petitions

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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

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JUL 31 2009

OFFICE OF PETITIONS

In re Application of	:	
Pousti et al.	:	DECISION ON PETITION
Application No. 11/688,714	:	TO WITHDRAW
Filed: March 20, 2007	:	FROM RECORD
Attorney Docket No. 116559-1201CP	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on July 9, 2009 the power of attorney to Baker & Mckenzie 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: Procopio Cory, Hargreaves & Savitch LLP
530 B Street
Suite 2100
San Diego CA 92101

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OFFICE OF PETITIONS

In re Application of :
Jeffrey D. MULLEN et al. :
Application No. 11/688,753 : DECISION ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. 15436.973.1 :

This is a decision on the petition, filed June 11, 2009, which is being treated as a petition under 37 CFR 1.8(b) (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.8(b) is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of November 25, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before February 25, 2009.

Petitioner asserts that the abandonment be withdrawn as petitioner timely filed a response to the non-final Office action mailed, November 25, 2008. A review of the Office records indicates that the response was timely filed with a three (3) month extension of time on May 26, 2009, which makes the reply timely filed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application file is being referred to Technology Center AU 2833 for appropriate action on the concurrently filed amendment.

Thurman K. Page
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/688,760	03/20/2007	Dave D. Straube	14917.0207USC4	1641

27488 7590 11/19/2007

MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
11/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Timothy B. Scull
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of:
Dave D. STRAUBE et al
Appl. No.: 11/688,760
Filed: March 20, 2007
For: URGENT REPLICATION FACILITY

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 13 November 2007, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 13 November 2007 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. 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 petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 13 November 2007 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/688,760	03/20/2007	Dave D. Straube	14917.0207USC4	1641

27488 7590 12/26/2007
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Timothy B. Scull
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

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DEC 27 2007

TECHNOLOGY CENTER 2100

In re Application of:
Dave D. STRAUBE et al
Appl. No.: 11/688,760
Filed: March 20, 2007
For: URGENT REPLICATION FACILITY

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petitions under 37 CFR § 1.59(b), filed on 28 November 2007 and 13 December 2007, to expunge information submitted pursuant to MPEP § 724.05.

The petitions are **DISMISSED**.

Petitioner requests that the information submitted on 28 November 2007 and 13 December 2007 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fees set forth in 37 CFR § 1.17(g) have been paid.

The petitions are premature because the application has not been allowed or abandoned. 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 petitions to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 28 November 2007 and13 December 2007 are considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS NV 89169

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JUN 20 2007

OFFICE OF PETITIONS

In re Application of
Fred Victorson
Application No. 11/688,773
Filed: March 20, 2007
Attorney Docket No. 094897.000006

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 20, 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 3621 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :
Delano et al. :
Application No. 11/688,835 : ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. 026832-000170US :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 8, 2007, 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.

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]

The instant petition lacks item (1). The Oath/Declaration has been received. The requisite fees have all been collected, except the late surcharge fee of $65.00, which will now be charged to petitioner's deposit account. However, the Notice to File Missing Parts of Nonprovisional

[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).

Application (Notice) also required replacement drawings in compliance with 37 CFR 1.84 and 1.121(d). A review of the documents submitted with the instant petition discloses that drawings were not submitted. The drawings are necessary for revival.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Delano et al.	:	
Application No. 11/688,835	:	DECISION ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. 026832-000170US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has now submitted the Replacement Drawings.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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FEB 29 2008

DONNA KIM GREGORY
2324 WEST WALTERS
NORTHBROOK IL 60062

In re Application of
Gregory
Application No. 11/688,841
Filed: 20 March, 2007
Attorney Docket No. (None)

DECISION ON PETITION

This is a decision on the petition filed on 4 May, 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 20 March, 2007.

On 4 April, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Corrected Application Papers that also contained a Notice of Omitted Items (to wit: "Figure(s) 6, 7 described in the specification" and thus, the application had been accorded a filing date without those figures.

OIPE indicated that Petitioner might:

- contend via petition that Figures 6, 7 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)) or EFS document along with a copy of the drawing(s); or

- accept the application as filed; or
- submit the omitted figures and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 6 April, 2007, a copy of a drawing sheet purporting to contain figure(w) 6,7 described in the specification was filed into the application, however, no statement was included as to Applicant's intent with regard to the drawing/figure(s)..

On 4 May, 2007, Petitioner submitted the instant petition, and acknowledged that Figures 6, 7 described in the specification had been omitted on deposit, and that Petitioner was submitting with her petition a copy of the sheet of drawings in question containing Figures 6, 7 described in the specification. Petitioner asked for the original filing date of 20 March, 2007—which is not available with Figures 6, 7 (described in the specification) in the absence of evidence of the presence of the figures on deposit (a date-stamped receipt card or EFS document), as discussed above regarding the OIPE Notice of 4 April, 2007. In the alternative, Petitioner requests 21 March, 2007, the date Petitioner states that she contacted her attorney about the matter—a date for which there is no basis suggested by Petitioner (as to according a filing date).

ANALYSIS

A search of the official file reveals that:

- on 20 March, 2007, Petitioner deposited the instant application;
- the Office record reflects that Figures 6, 7 described in the specification were missing upon deposit;
- Petitioner acknowledges that Figures 6, 7 described in the specification were missing upon deposit; and
- as of this writing, Petitioner has not chosen to accept the later filing date of 6 April, 2007, with Figures 6, 7 described in the specification were missing upon deposit.

In the absence of that election, the Office shall not change the presently accorded filing date of 20 March, 2007, without Figures 6, 7 described in the specification.

CONCLUSION

The petition is **dismissed**; the error was not that of the Office and the fee is not waived.

The application is released to the Office of Initial Patent Examination for further processing as necessary with the original deposit date of 20 March, 2007, including therewith thirteen (13) pages (unnumbered) of specification (description, claims and abstract) and three (2) sheets of drawings including Figures 1 and 2 (on one sheet), Figures 3, 4, and 5 (on a second sheet) and Figure 8 (on a third sheet), and OIPE is directed to mail a filing receipt consistent with that resolution before the application is returned to 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.

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ERIC CHAN
42 PIN OAKS DRIVE
PHOENIXVILLE PA 19460

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MAR 1 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Chen et al.	:	
Application No.: 11/688887	:	DECISION ON
Filing or 371(c) Date: 03/21/2007	:	PETITION
Attorney Docket Number: 16416	:	

This is a decision in response to the "Petition to revive the application," filed February 5, 2008, wherein Applicant asserts that a timely reply was filed. The petition is properly treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed April 4, 2007. The Notice required replacement drawings, and a newly executed oath or declaration, and set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on June 5, 2007. A Notice of Abandonment was mailed December 7, 2007.

Applicant files the present petition and asserts that a timely reply to the Notice was filed on June 1, 2007. In support of this assertion, Applicant provides a copy of the Reply, which includes a Certificate of Mailing under 37 CFR 1.8, dated June 1, 2007, executed by petitioner herein, attesting to the mailing of the Reply on June 1, 2007 (37 CFR 1.8(b)(3)).

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to §a), the

correspondence will be considered timely if the party who forwarded such correspondence:

(1)Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2)Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3)Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

(c)The Office may require additional evidence to determine if the correspondence was timely filed.

Applicant has complied with the requirements of 37 CFR 1.8(b).

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to the Office of Patent Application Processing for processing of the Reply, and for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Hamdi R. Syla

Application No. 11688900
Filed: March 21,2007

Attorney Docket No. SBY

: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 24-JUN-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

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PATENT COUNSEL
SCHLUMBERGER RESERVOIS COMPLETIONS
SCHLUMBERGER TECHNOLOGY CORPORATION
14910 AIRLINE ROAD
ROSHARON, TX 77583

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FEB 05 2008

OFFICE OF PETITIONS

In re Application of	:	
Zafari et al.	:	
Application No. 11/688,934	:	DECISION ON PETITION
Filed: March 21, 2007	:	
Attorney Docket No. 69.5720	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration and a late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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TECHNOLOGY CENTER 2600

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK NC 27709

In re Application of	:	
MIYAMOTO, KHOTAROH	:	DECISION ON REQUEST TO
Application No. 11/688,939	:	PARTICIPATE IN PATENT
Filed: March 21, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No.JP920060006US1	:	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 August 8, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
FETOUHI, AL et al.
Application No. 11/688,971
Filed: March 21, 2007
Attorney Docket No. **22331-006001 / O 110221 U**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 16, 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 Joshua Mcguire on behalf of all attorneys of record who are associated with customer No. 26191. All attorneys/agents associated with the Customer Number 26191 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of

the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **AL FETOUHI**
10 CHEMIN DES SERVINS
NANTEUIL-LES-MEAUX 77100
FRANCE

cc: **ODS TECHNOLOGY GMBH**
WERKSTRASSE 2-22
DASSOW 23942
GERMANY

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Van Luchene et al.	:	DECISION ON PETITION
Application No. 11/689,051	:	TO WITHDRAW
Filed: March 21, 2007	:	FROM RECORD
Attorney Docket No. 3301102	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 5, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on October 5, 2009 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.

Further, 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 Ellen Gonzales on behalf of all attorneys of record, but reflects an incorrect Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Currently, there is an outstanding Office action mailed April 29, 2009 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

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Van Luchene et al.	:	DECISION ON PETITION
Application No. 11/689,112	:	TO WITHDRAW
Filed: March 21, 2007	:	FROM RECORD
Attorney Docket No. 3301114	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 5, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on October 5, 2009 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.

Further, 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 Ellen Gonzales on behalf of all attorneys of record, but reflects an incorrect Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

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MAY 04 2010

OFFICE OF PETITIONS

In re Application of
Andrew S. Van Luchene, et. al.
Application No. 11/689,112
Filed: March 21, 2007
Attorney Docket No. 3301114

DECISION GRANTING PETITION

This is a decision on the petition filed January 19, 2010, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to timely respond to the non-final Office action mailed March 17, 2009. A Notice of Abandonment was mailed on November 17, 2009.

Petitioner states "An Office Action for this application was mailed March 17, 2009. A proper Response was filed on Thursday, September 17, 2009. The Response was received by the PTO, and was stamped by OIPE with a date of Monday, September 21, 2009. Two months later, on November 17, 2009, the examiner sent a notice of abandonment stating that "no reply has been received". Since the Response clearly was received by the PTO on time and several weeks before the notice of abandonment, the reasoning for the holding of abandonment is improper. The holding of abandonment should be withdrawn."

A review of the record shows that the Office received an amendment, $555 for a three months extension of time and a Certificate of Mailing under 37 CFR 1.8 all filed on September 21, 2009. It is noted that the Certificate of Mailing does not identify each paper submitted nor does each paper contain its own Certificate of Mailing as required by 37 CFR 1.8. However, since it is clear that the Certificate of Mailing filed on September 21, 2009 accompanied the papers listed above, all the papers filed on September 21, 2009 is being accepted as timely filed under 37 CFR 1.8.

In view of the above, the petition is **granted** and the holding of abandonment is hereby withdrawn and the application restored to pending status.

This application file is being referred to Technology Center Art Unit 2164 for further processing in accordance with this decision.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,123	03/21/2007	Hitoshi TABATA	305732US2S CONT	1308

7590 03/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
PATEL, NIMESHKUMAR D	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,123	03/21/2007	Hitoshi TABATA	305732US2S CONT	1308

7590 03/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
PATEL, NIMESHKUMAR D	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	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: 03/05/2008 KKING1
03/22/2007 INTEFSW 00000118 11689123
02 FC:1111 -500.00 OP

Refund Ref:
03/05/2008 0030051456

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1006

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30 MAR 2009

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Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006-1109

In re Application of:
DIOLEZ et al.
U.S. Application No.: 11/689,152
Filing Date: March 21, 2007
Attorney's Docket No.: 58767.000025
For: NOVEL PROCESSES FOR THE PRODUCTION OF USEFUL INTERMEDIATES

DECISION

This decision is issued in response to applicant's "Request for Corrected Filing Receipt" filed September 19, 2008 and March 09, 2009. Applicant requests that the present application be treated as a U.S. National Phase of PCT/IB2005/003032 filed under 35 U.S.C. 371.

BACKGROUND

On September 20, 2005, applicant filed international application PCT/IB2005/003032 which claimed a priority date of September 21, 2004 and which designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., March 21, 2007.

On March 21, 2007, applicant 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/IB2005/003032. The Transmittal Letter was accompanied by, among other materials, an Application Data Sheet (ADS), a Preliminary Amendment, and a $1910 fee payment.

During the electronic filing process, applicant identified the present application as a "Utility" application, 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 April 6, 2007, the USPTO issued a filing receipt. The filing receipt listed the following under "Foreign Applications:" European Patent Office (EPO) 04022472.7 (filed)

9/21/204; European Patent Office (EPO) 05100781.3 (filed) 02/04/2005; and International Bureau of World Intellectual Property Organization PCT/IB2005/003032 (filed) 09/20/20005.

On September 19, 2008 and March 09, 2009, applicant filed the "Request for Corrected Filing Receipt" considered herein.

DISCUSSION

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). 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 March 21, 2007 identified the application as a national stage filing under 35 U.S.C. 371. However, during the electronic filing process, applicants selected the application identifier "Utility," 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 Acknowledgment 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.

Applicant's 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 was properly treated by the USPTO as a filing under 35 U.S.C. 111(a). Applicant's request to have the application treated as a filing under 35 U.S.C. 371 (and a corrected filing receipt) is therefore appropriately dismissed.

Applicant may wish to consider the provisions under 37 CFR 1.78(a) for claiming benefit to the international application.

CONCLUSION

The petition to convert the application to a filing under 35 U.S.C. 371 is DISMISSED without prejudice. The present application was properly treated by the USPTO as a filing under 35 U.S.C. 111(a).

Please direct further correspondence with respect to this petition to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (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

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006-1109

In re Application of:
DIOLEZ et al.
U.S. Application No.: 11/689,152
Filing Date: March 21, 2007
Attorney's Docket No.: 58767.000025
For: NOVEL PROCESSES FOR THE PRODUCTION OF USEFUL INTERMEDIATES

DECISION

This decision is in response to applicant's "Petition for Unintentionally Delayed Claim of Priority under 37 CFR 1.78(c) & (e)" dated May 15, 2009, requesting acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 365(c) and 37 CFR 1.78(a)(3) to international application PCT/IB2005/003032. Because the international application claims priority to prior filed foreign applications, the petition is also being treated as a petition under 37 CFR 1.55 to accept an unintentionally delayed claim under 35 U.S.C. §119.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR § 1.78(a)(2)(ii). In addition, the petition under 37 CFR § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and 37 CFR §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §1.78(a)(2)(ii) and the date the claim was filed

was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §1.78(a)(3) in that (1) a proper reference to the prior-filed application has been included in an amendment to the first sentence of the specification, as provided by 37 CFR §1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the prior-filed application satisfies the conditions of 37 CFR § 1.78(a)(3), the petition is granted.

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 Commissioner may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The above-identified pending nonprovisional application was filed on March 21, 2007, which is after November 29, 2000, and the intermediate PCT application was filed within 12 months of September 21, 2004, which is the earliest filing date of the foreign application to which benefit is claimed. An Application Data Sheet filed on March 21, 2009, also identifies the foreign application for which priority is claimed by application number,

country and filing date.[1] The surcharge as set forth in 37 CFR 1.17(t) has been paid. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) and 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 applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether 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 applications, accompanies this decision on petition. Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3296. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1625 for appropriate action on the amendment submitted May 15, 2009, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Bryan Lin
Legal Examiner
PCT Legal Administration

[1]It is noted that the Supplemental Application Data Sheet filed May 15, 2009 is not effective because it lacks a proper signature. See 37 CFR 1.33(b).

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,159	03/21/2007	Hajime Tanaka	305745US2S CONT	1364

7590 10/27/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
SNYDER, ZACHARY J	

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
10/27/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
10/23/2009 0030075915

Credit Card Refund Total: $900.00

AU Exp..: XXXXXXXXXXX1005

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICROSOFT CORPORATION
c/o LYON & HARR, LLP
300 ESPLANADE DRIVE
SUITE 800
OXNARD, CA 93036

MAIL

AUG 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Zhengyou Zhang *et al.* :
Serial No.: 11/689,171 : DECISION ON PETITION
Filed: March 21, 2007 : *ACCEPTANCE OF COLOR DRAWINGS*
For: SYSTEM AND METHOD FOR REAL-TIME :
WHITEBOARD CAPTURE AND PROCESSING :

This is a decision on the petition under 37 CFR §1.84(a)(2) filed March 21, 2007 requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 3, 8A, 8B, 8C and 10 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The specified three sets of drawings must be submitted in color for a grantable petition. Therefore the petition is **DIMISSED** for failing to submit the requisite three copies of color drawings.

Eileen Lillis
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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HUMAN GENOME SCIENCES INC.
INTELLECTUAL PROPERTY DEPT.
14200 SHADY GROVE ROAD
ROCKVILLE MD 20850

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APR 22 2009

OFFICE OF PETITIONS

Applicant: Rosen et al.
Appl. No.: 11/689,173
Filing Date: March 21, 2007
Title: H6EDC19 POLYNUCLEOTIDES
Attorney Docket No.: PS900D1C1
Pub. No.: US 2007/0224663 A1
Pub. Date: September 27, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 26, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the form of omitting provisional priority claims claimed through various PCT and U.S. applications.

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 publication correctly claims priority to PCT and US applications, which are correctly reproduced on the publication; however, the publication omits certain provisional priority claims of these PCT and U.S. applications. For instance, the publication lists a claim to US 10/100,683, but fails to state that US 10/100,683 claims priority to US 60/358,714. However, US 10/100,683 has been published as US 2007/0037206 and US patent number 7,368,531, both setting forth the proper provisional priority claim. Similarly, the publication lists a claim to PCT/US98/12125, but fails to state that PCT/US98/12125 claims priority to US 60/058,971. However, PCT/US98/12125 has been published as WO 98/56804, which sets for the proper provisional priority claim.

[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).

Therefore, the public is on notice, through the US and PCT publications, of the correct provisional priority claims. The error in omitting the provisional priority claims from the publication of the instant application thus does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of any provisional rights. The error in the priority noted by requestor in the specification is not a material Office error under 37 CFR 1.221.

Requestor is reminded of the requirements for requests for corrected publication. Every alleged error must be listed and properly referenced to the locations in the publication and specification. As set forth in MPEP 1130:

> A request for corrected publication should include a listing of the alleged material errors made by the Office, marked up copies of the relevant pages of the publication and an indication of where in the specification as filed the relevant text appears.

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

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BOURQUE & ASSOCIATES
INTELLECTUAL PROPERTY ATTORNEYS, P.A.
835 HANOVER STREET
SUITE 301
MANCHESTER NH 03104

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In re Application of :

MEAGHER, Thomas B. :
Application No. 11/689,224 : DECISION ON PETITION
Filed: March 21, 2007 : TO WITHDRAW
Attorney Docket No. **DUMMETT-044AX** : 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 28, 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 act (1) 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: **ROCKWELL AUTOMATION, INC./BF**
ATTENTION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

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OFFICE OF PETITIONS

BOURQUE & ASSOCIATES
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835 HANOVER STREET
SUITE 301
MANCHESTER NH 03104

In re Application of	:	
MEAGHER, Thomas B.	:	
Application No. 11/689,240	:	DECISION ON PETITION
Filed: March 21, 2007	:	TO WITHDRAW
Attorney Docket No. **DUMMETT-044BX**	:	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 28, 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 act one (1) noted in the above-identified certifications has 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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROCKWELL AUTOMATION, INC./BF**
ATTENTION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

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MANCHESTER NH 03104

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OFFICE OF PETITIONS

In re Application of
MEAGHER, Thomas B.
Application No. 11/689,240
Filed: March 21, 2007
Attorney Docket No. **DUMMETT-044BX**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 11, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that act one (1) noted in the above-identified certifications has been performed.

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, **(owner transfer of intellectual property rights)**, does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROCKWELL AUTOMATION, INC./BF**
ATTENTION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

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BOURQUE & ASSOCIATES
INTELLECTUAL PROPERTY ATTORNEYS, P.A.
835 HANOVER STREET
SUITE 301
MANCHESTER, NH 03104

In re Application of :
MEAGHER, Thomas Bruce :
Application No. 11/689,240 : DECISION ON PETITION
Filed: March 21, 2007 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 30, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Bourque & Associates has been revoked by the assignee of the patent application on July 07, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROCKWELL AUTOMATION, INC./BF**
ATTENTION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE WI 53204

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JUL 20 2010

Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of Bruce Bent et al :
Appl. No.:11/689247 : **RESPONSE TO PETITION**
Filed: 3/21/2007 : **UNDER 37 CFR 1.59**
For: System and method for managing aggregated accounts :

This is a decision on the petition under 37 CFR 1.59, filed February 16, 2010, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that the the Proprietary Information Disclosure Statement (PIDS) filed January 20, 2010, be expunged from the record.

Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been removed from the official file.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Jim Trammell at 571-272-6712.

Wynn Coggins, Director
Patent Technology Center 3600
571-272-5350

jt/lm: 7/18/10

lm

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OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of
Daniel Barker, William Beland, Gregory Brncick, Philip Lehman, Paul Schutter and Steven Spoerre
Application No. 11/689,255
Filed: March 21, 2007
Attorney Docket No. 026032-0104
Title of Invention: Visor Vanity

DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed November 19, 2007.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Daniel Barker has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. Petitioner has provided evidence of the non-signing inventor's explicit refusal to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office is in receipt of $130.00 towards the $200.00 petition fee. Pursuant to petitioner's request, deposit account no.19-0741 will be charged the $70.00 difference.

After this decision is mailed, the application will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

Daniel R. Barker
5744 18th Street Avenue
Hudsonville, Michigan 49426

In re Application of
Daniel Barker, William Beland Gregory Brncick, Philip Lehman, Paul Schutter and Steven Spoerre
Application No.11/689,255
Filed: March 21, 2007
Attorney Docket No. 026032-0104
Title of Invention: Visor Vanity

: LETTER

Dear Mr. Barker:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007
ATTN: Andrew Rawlins

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Husch Blackwell Sanders, LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of :
Gregory E. Burke, Jr. et al. :
Application No. 11/689,275 : DECISION ON PETITION
Filed: March 21, 2007 : TO WITHDRAW
Attorney Docket No. 9733/97029 : 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 20, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Jon P. Christensen on behalf of all attorneys of record who are associated with Customer Number 24628.

All attorneys/agents associated with Customer Number 24628 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Gregory E. Burke, Jr. at the address list listed in the request.

There is an outstanding Office action mailed March 9, 2010, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: **Gregory E. Burke, Jr.**
26 West 375 North Avenue
Carol Stream, IL 60188

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

JUL 08 2010

OFFICE OF PETITIONS

In re Application of
Emir Delic, et al.
Application No. 11/689,304
Filed: March 21, 2007
Attorney Docket No. 21127-026001

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 26, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others

The request was signed by David J. Goren on behalf of all attorneys of record who are associated with customer No. 26181. All attorneys/agents associated with the Customer Number 26181 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 Emir Delic at 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 of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: EMIR DELIC
34 B YARRAM STREET
LIDCOMBE, NSW, 2141
AUSTRALIA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/689,304	03/21/2007	Emir Delic	21127-026001

CONFIRMATION NO. 1636

POWER OF ATTORNEY NOTICE

26181
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 07/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/26/2010.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MINNEAPOLIS, MN 55440-1022

MAILED

JUL 08 2010

OFFICE OF PETITIONS

In re Application of
Emir Delic, et al.
Application No. 11/689,308
Filed: March 21, 2007
Attorney Docket No. 21127-027001

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 26, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others

The request was signed by David J. Goren on behalf of all attorneys of record who are associated with customer No. 26181. All attorneys/agents associated with the Customer Number 26181 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 Emir Delic at 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 of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: EMIR DELIC
34 B YARRAM STREET
LIDCOMBE, NSW, 2141
AUSTRALIA

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/689,308	03/21/2007	Emir Delic	21127-027001

CONFIRMATION NO. 1645

POWER OF ATTORNEY NOTICE

26181
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 07/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/26/2010.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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James Rodgers
8853 214th Place
Langley BC V1M 2H9 CA CANADA

MAIL

APR 25 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
RODGERS, JAMES NEIL
Serial No.: 11/689,316
Filed: March 21, 2007

Title: **RFID TRACKING OF CHOSE IN ACTION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 21, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

MPEP 708.02(a) I (E) states:

> (E) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

REVIEW OF FACTS

The conditions set forth under section I above are considered to have been met. However, the petition fails to comply with conditions set forth under section II items 5 through 5.3, 6.2, 6.3 and 6.5. The petition also fails to comply with the conditions set forth under section MPEP 708.02(a) I (E).

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements in item 5 through 5.3, the preexamination search document provided with the instant petition is deficient as follows: the database search fails to identify which database or databases (EAST, WEST, etc.) were used in the 'USPTO database' as identified. The US Field of Search and Databases Searches which are to be provided under section 8(A) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/sublasses: 340/572.1- 572.7 and 235/435+. Furthermore, the search logic appears incomplete. Keywords have been identified. However, there is no indication of the search strings and or keyword operators used. Was there any Boolean logic used with the keywords identified? Furthermore, essential terms like 'RFID', 'antenna trimming', 'antenna tuning', 'antenna adjustment', and 'resonant antenna' are not included in the text search. A copy of the database search results should be provided for review.

Regarding the requirement of item 6.2, the "Accelerated Examination Support Document", part b.) provides an identification of claim limitations that are in the US patent cited. However, the petition fails to identify all of the limitations in all of the claims of the application that are disclosed by the patent as well as identify all of the limitations in all of the claims of the application that are disclosed by the two cited non patent literature references cited and specifying where the limitation is disclosed by each cited reference as required by item 6.2.

Regarding the requirement of item 6.3, the "Accelerated Examination Support Document", part c.) is deficient inasmuch as petitioner does not provide a "detailed explanation of how ***each of***

the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c). Rather, petitioner has essentially written that none of the cited prior art discloses any of the limitations of any item claimed in any of the claims, without explaining with particularity which limitation(s) render the claim(s) patentable. The petition fails to provide a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c) as required by item 6.3.

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", part f.) is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of the specification. Petitioner provides a broad statement that support is shown in pages 4-18 for claim 1, page 16-18 for claim 2, etc. without providing any indication where specific claim limitations find support in the specification for each claim. Clarification is required.

Regarding the requirement in MPEP 708.02(a) I (E), the requirement is deficient because application contains multiple dependent claim 5.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5 through 5.3 above, and the Preexamination Search Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above. Also, the claims must be amended to remove any multiple dependencies identified therein.

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 Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of :

SOLAR, Matthew S. et al. :
Application No. 11/689,356 : DECISION ON PETITION
Filed: March 21, 2007 : TO WITHDRAW
Attorney Docket No. **723.077US2** : 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 27, 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 Suneel Arora on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MATTHEW S. SOLAR**
290 NORMANDY DRIVE
INDIALANTIC, FL 32903

cc: **RICHARD W. WARMER**
HARNESS, DICKEY & PIERCE, P.L.C.
5445 CORPORATE DRIVE
TROY, MI 48098

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,377	03/21/2007	Matthew P. Newlin	H0008657 HOOO-1-1253	1777

61021 7590 11/10/2008

HONEYWELL INTERNATIONAL INC.
PATENT SERVICES AB-2B
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN, NJ 07962-2245

EXAMINER	
YOUNG, BRIAN K	

ART UNIT	PAPER NUMBER
2819	

MAIL DATE	DELIVERY MODE
11/10/2008	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
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Honeywell International Inc
Patent Services AB-2B
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962-2245

In re Application of al.	:	
Application No. 11/689,377	:	NOTICE OF WITHDRAWAL
Filed: 03/21/2007	:	FROM ISSUE
Attorney Docket No.	:	UNDER 37 CFR ə 1.313
H0008657 Hooo-1-1253	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed 09/08/2008, are hereby vacated.

The application is being withdrawn from issue to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

The issue fee is refundable upon request. However, the applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, the applicant may request either a refund or a credit to a Deposit Account.

Telephone inquires should be directed to Rexford Barnie, Supervisory Patent Examiner, Art Unit 2819, at (571) 272-7492.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

John Cabeca, Director (Acting)
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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WILLIAM L. PARADICE, III
550 Winchester Boulevard
SUITE 605
SAN JOSE, CA 95128

Mail Date: 04/21/2010

Applicant	: Pankaj Gupta	: DECISION ON REQUEST FOR
Patent Number	: 7636717	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/689,421	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **307** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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WILLIAM L. PARADICE, III
550 Winchester Boulevard
SUITE 605
SAN JOSE, CA 95128

Mail Date: 05/18/2010

Applicant : Pankaj Gupta
Patent Number : 7636717
Issue Date : 12/22/2009
Application No: 11/689,421
Filed : 03/21/2007

: 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 **342** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER, CO 80202

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JUL 27 2009

OFFICE OF PETITIONS

In re Application of :
Craig A. WEAVER, et al. :
Application No. 11/689,459 : DECISION GRANTING PETITION
Filed: March 21, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **2997-49-1-10** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1656 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Ernest G. Seidman et al	:	
Application No. 11/689,472	:	DECISION GRANTING PETITION
Filed: March 21, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 021825-003950US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 1, 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 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) 272-3208.

This application is being referred to Technology Center AU 1623 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Srikanth Gummadi et al.	:	
Application No. 11/689,473	:	DECISION ON PETITION
Filed: March 21, 2007	:	TO WITHDRAW
Attorney Docket No. 026199-000500US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2010.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP and all attorneys/agents associated with customer number 20350 have been revoked by the assignee of the patent application on March 8, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 09 2010

OFFICE OF PETITIONS

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of	:	
Barry R. Robbins et al.	:	
Application No. 11/689,476	:	DECISION ON PETITION
Filed: March 21, 2007	:	TO WITHDRAW
Attorney Docket No. 026199-000800US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2010.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP and all attorneys/agents associated with customer number 20350 have been revoked by the assignee of the patent application on March 10, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
2000 MARKET STREET
TENTH FLOOR
PHILADELPHIA PA 19103

COPY MAILED

JUL 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Zulin Shi et al	:	DECISION GRANTING STATUS
Application No. 11/689,493	:	UNDER 37 CFR 1.47(a)
Filed: March 21, 2007	:	
Attorney Docket No. P32,132-A USA	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 26, 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 Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,565	03/22/2007	Yuji NAGAI	305608US2SDIV	2150

7590 09/15/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
KORZUCH, WILLIAM R	

ART UNIT	PAPER NUMBER
OPT	

NOTIFICATION DATE	DELIVERY MODE
09/15/2008	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

Refund Ref:
09/15/2008 0030061108

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1001

Adjustment date: 09/15/2008 NFARMER
03/22/2007 INTEFSW 00001544 11689565
02 FC:1111 -500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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SEP 0 9 2009

OFFICE OF PETITIONS

Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, NH 03101

In re Application of :
Mary Cecelia Massey et al. :
Application No. 11/689,601 : ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. SWR3259 :

This is a decision on the petition under 37 CFR 1.182, filed July 17, 2009, to change the name of one of the inventors.

The petition is **GRANTED**.

The name of the inventor has been changed from **Mary Cecelia Massey Marshall** to **Mary Cecelia Massey**.

The application file is being referred to Technology Center 1797.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/689,601	03/22/2007	1797	655	SWR3259	22	4

CONFIRMATION NO. 2202

CORRECTED FILING RECEIPT

32047
GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER, NH 03101

OC000000037665651

Date Mailed: 09/03/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Mary Cecelia Massey, San Antonio, TX;
Jonathan Scott SCHULZE, San Antonio, TX;
Ralph Henry HILL JR., San Antonio, TX;

Assignment For Published Patent Application

SOUTHWEST RESEARCH INSTITUTE, San Antonio, TX

Power of Attorney: The patent practitioners associated with Customer Number 32047

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/31/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/689,601**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Environmental Fluorescent Sensors

Preliminary Class

436

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/01/10

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 11689605 Patent No.: 7608703

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

/Manjunath Rao/ — **SPE**

1656 — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/01/10

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 11689605 Patent No.: 7608703

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

_____ 1656
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS DICKEY & PIERCE, PLC.
P.O. BOX 8910
RESTON, VA 20195

COPY MAILED

JAN 29 2008

OFFICE OF PETITIONS

In re Application of :
HIGLEY, et al. :
Application No. 11/689,614 : DECISION ON PETITION
Filed: March 22, 2007 : TO WITHDRAW
Attorney Docket No. 1485/39/3 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **HARNESS DICKEY & PIERCE, PLC** has been revoked by the assignee of the patent application on August 6, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: JENKINS, WILSON, TAYLOR & HUNT, PA.
3100 TOWER BOULEVARD, SUITE 1200
UNIVERSITY TOWER
DURHAM, NC 27707

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,621	03/22/2007	Yoshinori Tazaki	305912US2	2237

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
03/22/2007 INTEFSW 00001700 11689621
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

Refund Ref: 02/23/2009 0030066944

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

Adjustment date: 02/23/2009 BPOWELL
03/22/2007 INTEFSW 00001700 11689621
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

PAPARELLA & ASSOCIATES, PLC
3878 CASCADE RD. SE
GRAND RAPIDS MI 49546

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of :
Jessica Ackerson :
Application No. 11/689,630 : DECISION ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. **ACK01-P300** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 15, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) months extension of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 3643 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/JoAnne Burke/
JoAnne Burke
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

Date Mailed : 06/27/08

Patent No. : 7303981 B2
Patent Issued : 12/04/07
Docket No. : **250122-2051**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 05/16/08; please see attachment. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703)-308-9390 #112

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 23, 2008

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/689668 Patent No.: 7303981 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
xDenied	State the reasons for denial below.

Comments: Parent application 11/000,837 is abandoned, it is not US Patent 7,164,152

Newsome, Lamonte

From: Prenty, Mark
Sent: Monday, June 23, 2008 9:34 AM
To: Newsome, Lamonte; Smith, Zandra
Subject: RE: 11689668
Attachments: 306 SPE's Reponse 3 01-13-2006 (2).doc

The certificate of correction does not seem to be included in the attachment, but I have looked at it on eDAN.

As I explained on the attached SPE response form, it should be DENIED. Thank you.

Mark Prenty

From: Newsome, Lamonte
Sent: Monday, June 23, 2008 9:18 AM
To: Prenty, Mark
Cc: Smith, Zandra
Subject: 11689668

Please review the attached document.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 23, 2008

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/689668 Patent No.: 7303981 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
xDenied	State the reasons for denial below.

Formatted: Indent: Left: 1.22"

Comments: Parent application 11/000,837 is abandoned, it is not US Patent 7,164,152

Zandra V. Smith
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
DIW Mar-08

RAHIM SHAFA
8 FAIRLAND STREET
LEXINGTON MA 02421

COPY MAILED

MAR 1 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Shafa et al.	:	
Application Number: 11/689682	:	
Filing Date: 03/22/2007	:	LETTER DISMISSING PETITION
For: THE TREATMENT OF	:	
PSYCHIATRIC DISORDERS USING	:	
ENTACAPONE, TOLCAPONE AND OTHER	:	
COMT INHIBITOR OR MB-COMT	:	
INHIBITOR DRUGS	:	

This is a letter in reference to the paper styled as a "PETITION TO REVIVE THE PATENT APPLICATION," filed on February 4, 2008. In the absence of a petition fee and in view of petitioner's statement that the Office correspondence was never received, the paper is treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.[1]

This application became abandoned on June 6, 2007, for failure to file a timely reply to the Notice to File Corrected Application Papers mailed on April 5, 2007, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on December 10, 2007.

At the outset, the petition cannot be considered on the merits because it is not properly signed. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. This application contains an executed declaration listing Rahim Shafa and Hamid Mostafavi Abdolmaleky as joint inventors. The petition filed on February 4, 2008, however, was signed only by joint inventor Shafa. A petition signed by all of the inventors or by a registered patent practitioner must be filed.

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[1] In the absence of the petition fee, which is required by law, the PTO can only treat the instant petition as a (feeless 1.181) petition to withdraw the holding of abandonment. See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

Applicants should file a new petition signed by all joint inventors or their representative. No additional petition fee is due.

In the present petition, petitioners apparently request that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Corrected Application Papers mailed on April 5, 2007.

A review of the record indicates no irregularity in the mailing of the Office communication, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not in fact received. However, petitioner has not met the showing required to establish nonreceipt of an Office communication. To establish nonreceipt of an Office communication, a petitioner must: 1) include a statement that the Office communication was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and 3) include a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed.[2] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[3] "For example, if a three-month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[4]

However, as petitioners are *pro se* applicants, the Office understands that petitioners may not keep a formal docket record system for their correspondence. Nevertheless, petitioners must provide some sort of showing explaining the manner in which petitioners receive mail from the USPTO, maintain files for patent matters, and treat mail received for such matter. Specifically, petitioners must explain the system for keeping track of patent matters - where petitioners keep the correspondence; where they write down due dates; how they know

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[2] M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

[3] MPEP 711.03(c)(II) (emphasis added).

[4] Id.

replies are due, etc. In essence, petitioners must explain how they reminds themselves of response due dates and show that the due date for the Notice mailed on April 5, 2007, was not entered into that system. The Office would like to see documentary evidence and records as may exist which would substantiate that petitioners exercised due diligence with respect to petitioners' most important business.

As such the application is properly held abandoned.

The petition is **DISMISSED** for the reasons stated above.

ALTERNATIVE VENUE

Petitioners may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire

delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioners' convenience.

Should petitioners decide to file a petition under 37 CFR 1.137(b), the fee due at present is $770.00 (small entity).

Any petition filed under 37 CFR 1.137(b) must also be signed by all of the inventors or their registered patent practitioner.

As Office fees are subject to change, however, petitioners should verify the fee due prior to submitting a petition. Current fee information is available on the USPTO Website at www.uspto.gov, or by phone at 1-800-786-9199.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cf: Form for Petition to Revive Under 37 CFR 1.137(b)

PTO/SB/64 (01-08)
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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark, Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW May-08

RAHIM SHAFA
8 FAIRLAND STREET
LEXINGTON MA 02421

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MAY 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Shafa et al. :
Application Number: 11/689682 :
Filing Date: 03/22/2007 :
For: THE TREATMENT OF PSYCHIATRIC DISORDERS USING ENTACAPONE, TOLCAPONE AND OTHER COMT INHIBITOR OR MB-COMT INHIBITOR DRUGS :

ON PETITION

This is a decision on the "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT AND REVIVE THE PATENT APPLICATION" filed on April 7, 2008, which is treated as a petition to withdraw the holding of abandonment and, on the petition under 37 CFR 1.137(b),[1] filed on April 9, 2008, to revive the above-identified application.

The petition to withdraw the holding of abandonment is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

This application became abandoned on June 6, 2007, for failure to file a timely reply to the Notice to File Corrected Application Papers mailed on April 5, 2007, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on December 10, 2007. The petition filed on February 4, 2008, was dismissed on March 12, 2008.

Petitioners again request that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Corrected Application Papers mailed on April 5, 2007.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Office communication, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not in fact received.

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the

Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Upon further review, the showing of record provided in the petition is insufficient to withdraw the holding of abandonment. As petitioners have neither demonstrated that a reliable docketing system was in place, nor provided a copy of the record showing non-receipt of the Notice to File Corrected Application Papers mailed on April 5, 2007, the petition must be **dismissed**.

PETITION UNDER 37 CFR 1.137(b)

Receipt of the two (2) sheets of replacement drawings filed on April 7, 2008, is acknowledged.

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 the outstanding Office action, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

Accordingly, the petition under 37 CFR 1.137(b) is **granted**.

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BOURQUE & ASSOCIATES
INTELLECTUAL PROPERTY
ATTORNEYS, P.A.
835 HANOVER STREET, SUITE 301
MANCHESTER, NH 03104

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DEC 0 9 2008

OFFICE OF PETITIONS

In re Application of	:	
Thomas Bruce MEAGHER, et al	:	
Application No. 11/689,691	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. DUMMETT-044FX	:	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 28, 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 act noted at item 1 in the above-cited certifications has been performed.

The request cannot be approved because the attorneys of record were not appointed by Customer No. 28452, as indicated. The attorneys were appointed by naming each attorney individually.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ROCKWELL AUTOMATION, INC./BF
ATTN: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

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

S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

Mail Date: 04/20/2010

Applicant	: Jason C. Billig	: DECISION ON REQUEST FOR
Patent Number	: 7594294	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/689,696	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **27** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

Bourque & Associates
Intellectual Property Attorneys, P.A.
835 Hanover Street
Suite 301
Manchester, NH 03104

COPY MAILED
DEC 05 2008

In re Application of	:	
Thomas Bruce Meagher et al.	:	
Application No. 11/689,703	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. DUMMETT-044GX	:	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 28, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Daniel J. Bourque on behalf of all attorneys/agents associated with customer number 28452. All attorneys/agents associated with customer number 28452 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named signing inventor. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents and/or a proper statement under 37 CFR 3.73(b) must be submitted.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Thomas Bruce Meagher
18806 Deer Key Circle
Houston, TX 77084

cc: Rockwell Automation, Inc./BF
Attention: Susan M. Donahue, E-7F19
1201 South Second Street
Milwaukee, WI 53204

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/689,703	03/22/2007	Thomas Bruce Meagher	DUMMETT-044GX

CONFIRMATION NO. 2369

POWER OF ATTORNEY NOTICE

28452
BOURQUE & ASSOCIATES
INTELLECTUAL PROPERTY ATTORNEYS, P.A.
835 HANOVER STREET
SUITE 301
MANCHESTER, NH 03104

OC000000033465018

Date Mailed: 12/05/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/28/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,704	03/22/2007	Akihiko Yoshida	305920US2SX	2370

7590 04/10/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
RICHER, AARON M	

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
04/10/2009	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: 04/09/2009 BPOWELL
03/22/2007 INTEFSW 00001943 11689704
02 FC:1111 -500.00 OP

Adjustment Date: 04/09/2009 BPOWELL
03/30/2008 INTEFSW 00009444 194880 12164398
02 FC:1111 510.00 CR
04 FC:1201 210.00 CR

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

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APR 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Didier REYNES	:	
Application No. 11/689,715	:	DECISION ON PETITION
Filed: March 22, 2007	:	
Attorney Docket No. 1075-012818-US (PAR)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 10, 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 June 11, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and oath and declaration; (2) the petition fee of $1540; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571)272-6735.

This application is being referred to the Office of Patent Application Processing for processing of the reply received November 14, 2007.

April Wise
Petitions Examiner
Office of Petitions

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GKN Driveline/TTG
c/o Kristin L. Murphy
39533 Woodward Avenue, suite 140
Bloomfield Hills, MI 48304

Mail Date: 04/21/2010

Applicant	: Michael Engelmann	: DECISION ON REQUEST FOR
Patent Number	: 7658692	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/689,732	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **383** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SAUL EWING LLP (PHILADELPHIA)
ATTN: PATENT DOCKET CLERK
2 NORTH SECOND ST.
HARRISBURG PA 17101

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Yasuhiro Shimomura et al	:	
Application No. 11/689,781	:	DECISION GRANTING PETITION
Filed: March 22, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 357107.00008-01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 11, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 11, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Jenny Freeman et al. :
Application No. 11/689,783 : DECISION ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. 12845-001-999 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 10, 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, January 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 24, 2009. A Notice of Abandonment was mailed on October 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

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.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being 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 petition.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3737 for appropriate action by the Examiner in the normal course of business on the reply received June 10, 1010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/689,783	03/22/2007	Jenny Freeman	12845-001-999

CONFIRMATION NO. 2494

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

POA ACCEPTANCE LETTER

OC000000042631885

Date Mailed: 07/19/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/10/2010.

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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS, CO 80525

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AUG 25 2008

OFFICE OF PETITIONS

In re Application of :
John B. Jensen :
Application No. 11/689,797 : DECISION ON PETITION
Filed: March 22, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. JENS.01USU1 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 17, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed application data sheet and amendment to the specification also filed August 17, 2007.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be

entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin at (571) 272-3222. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3687 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/689,797	03/22/2007	3687	425	JENS.01USU1	7	1

CONFIRMATION NO. 2519

CORRECTED FILING RECEIPT

27479
COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS, CO 80525

Date Mailed: 08/21/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

John B. Jensen, Windsor, CO;

Power of Attorney: The patent practitioners associated with Customer Number 27479

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/743,833 03/28/2006

Foreign Applications

If Required, Foreign Filing License Granted: 04/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/689,797**

Projected Publication Date: 09/25/2008

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

PROCESS AND METHOD FOR SYSTEMATICALLY EXCHANGING PRODUCT BETWEEN MANUFACTURER OF PRODUCT OR REPRESENTATIVE OF PRODUCT AND PURCHASER FOR AN ESTABLISHED TERM

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,799	03/22/2007	Takeshi Inasaki	12262/13 (FA 6185J/US)	2521

757 7590 02/07/2008

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER	
ART UNIT	PAPER NUMBER
1712	

MAIL DATE	DELIVERY MODE
02/07/2008	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.

CERTIFICATE OF ELECTRONIC FILING
I hereby certify that this correspondence is being electronically filed with the U.S. Patent and Trademark Office on the below date:
Date: December 5, 2007 Name: G. Peter Nichols Signature: [signature]

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number:	11/689,799
Filing Date:	March 22, 2007
First Named Inventor:	Inasaki et al.
Art Unit: Confirmation No.:	1712 2521
Examiner Name:	unknown
Attorney Docket No.:	12262/13 (FA 6185J/US)

To: Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 2-7-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Please withdraw me as attorney for the above identified application, and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☒ the attorneys/agents associated with Customer Number 00757 - Brinks Hofer Gilson Lione
NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: "Withdrawal of Representation"

CHANGE OF CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.

2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number: 00757 - Brinks Hofer Gilson Lione
OR

☒ **Firm *or* Individual Name**	**Brett S. Sylvester, Esq., c/o Sughrue Mion, PLLC**				
Address	**2100 Pennsylvania Avenue, NW, Suite 800**				
City	**Washington**	**State**	**D.C.**	**Zip**	**20037-3213**
Country	**U.S.A.**				
Telephone	**202.293.7060**	**Fax**	**202.293.7860**		

Signature	[signature]		
Name	G. Peter Nichols	**Registration No.**	34,401
Date	12/5/07	**Telephone No.**	312.321.4276

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Inforamtion Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Martin J. Moran
1000 Cherrington Parkway
Moon Township PA 15108

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
Leccia, et al. :
Application No. 11/689,810 : ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. 06-EDP-338

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed May 14, 2009, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.137(b) also filed May 14, 2009

The petition under3 7 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **DISMISSED.**

The above-identified application became abandoned for failure to reply to the restriction/election requirement mailed October 6, 2008, which set a shortened period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on November 7, 2008. A Notice of Abandonment was mailed on April 10, 2009.

TREATMENT UNDER 37 CFR 1.181

In the instant petition, petitioner maintains that the Notice was never received and that the holding of abandonment should be withdrawn accordingly.

A review of the application file and the Office computer records relative to the subject application file reveals that on October 7, 2008 (the date the notice was mailed), the address of record was listed as the offices of Martin Moran, 170 Industry Drive, RIDC Park West, Pittsburgh, PA 15275. It appears, however, that prior to the date the notice was mailed, the address for Martin Moran changed, but may not have timely filed with the Office a communication changing the correspondence address of record.

Title 37 of the Code of Federal Regulations section 1.33(a) and Section 601.03 provides that the applicant must promptly notify the Office of a change in the correspondence address. Section 711.03(c)(2) of the Manual of Patent Examining Procedure provides that:

> . . . where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing that due care was taken to adhere to the requirement of prompt notification . . . of the change of address. . .and must include an adequate showing that a timely notification of the change

> of address was filed in the application concerned and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

Accordingly, the failure of the notices to arrive at the new address does not warrant a withdrawal of the holding of abandonment if petitioner did not promptly notify the Office of the change of correspondence address for the application. In order for a petition to withdraw the holding of abandonment to be successful under these circumstances, petitioner would have to establish that the Notices were not received at the prior address or that a request to change the correspondence address was promptly filed prior to the mailing of the restriction/election requirement.

TREATMENT UNDER 37 CFR 1.137(b)

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of item (1) above.

As to Item (1), a reply to the restriction/election requirement (copy enclosed) did not accompany the instant petition. The renewed petition must be accompanied by a proper response to the restriction/election requirement.

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure : Copy Election Restriction requirement

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.
11/689,810	03/22/2007	Brad R. Leccia	06-EDP-338	2550

7590 10/07/2008

Martin J. Moran
Eaton Electrical, Inc.
Technology & Quality Center
170 Industry Drive, RIDC Park West
Pittsburgh, PA 15275-1032

EXAMINER	
LEON, EDWIN A	

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
10/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/689,810	LECCIA ET AL.	
	Examiner	Art Unit	
	EDWIN A. LEON	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-20* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species: Species 1: Fig. 1; Species 2: Fig. 2A; Species 3: Fig. 2B; Species 4: Fig. 2C; Species 5: Fig. 2A; Species 6: Figs. 3A-3C; Species 7: Fig. 4. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing**

the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

A telephone call was made to Martin Moran on September 23, 2008 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWIN A. LEON whose telephone number is (571)272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edwin A. León/
Primary Examiner
Art Unit 2833

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 13 2009

OFFICE OF PETITIONS

Martin J. Moran
1000 Cherrington Parkway
Moon Township PA 15108

In re Application of :
Leccia, et al. :
Application No. 11/689,810 : ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. 06-EDP-338

This is a decision on the petition under 37 CFR 1.137(b), filed July 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the restriction/election requirement mailed October 6, 2008, which set a shortened period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on November 7, 2008. A Notice of Abandonment was mailed on April 10, 2009.

The response filed July 9, 2009, is noted.

The application is being forwarded to Technology Center 2800, GAU 2833 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MICHAEL A. O'NEIL
MICHAEL A. O'NEIL, P.C.
5949 SHERRY LANE, SUITE 820
DALLAS, TX 75225

COPY MAILED

OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Husein ABUSALIH :
Application No. 11/689,831 : DECISION ON PETITION
Filed: March 22, 2007 : TO WITHDRAW
Attorney Docket No. 901145-1002 : 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 29 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted above have been performed.

The request cannot be approved because the attorney of record was not appointed by Customer No. 38406.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HUSEIN ABUSALIH
906A SOUTH WEATHERRED
RICHARDSON, TX 75080

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL A. O'NEIL
MICHAEL A. O'NEIL, P.C.
5949 SHERRY LANE, SUITE 820
DALLAS, TX 75225

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DEC 1 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Husein ABUSALIH	:	
Application No. 11/689,831	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. 901145-1002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 16, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorney of record was not appointed by Customer No. 38406, as indicated. The attorney of record was appointed as an individual.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MICHAEL A O'NEIL
MICHAEL A. O'NEIL, P.C.
5949 SHERRY LANE, SUITE 820
DALLAS, TX 75225

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FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Husein ABUSALIH	:	
Application No. 11/689,831	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. 901145-1002	:	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.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael A. O'Neil on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence of address of record has been changed and the new address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HUSEIN ABUSALIH
906A SOUTH WEATHERRED
RICHARDSON, TX 75080

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JUN 18 2009

OFFICE OF PETITIONS

In re Application of :
Yokomaku. :
Application No. 11/689,858 : DECISION ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. 305773US40 :

This is a decision on the petition, filed February 6, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED AS MOOT**.

Petitioner has filed this petition to withdraw the holding of abandonment, in the event the application was held abandoned.

A review of the record shows that a final Office action was mailed on August 5, 2008. In response, an amendment and one-month extension of time were filed on December 5, 2008. An untimely Notice of Appeal was filed on February 6, 2009. A Notice of Allowance was mailed on February 11, 2009.

Since a timely reply in the form of an amendment was submitted, this application was not held abandoned. A petition to withdraw the holding of abandonment is not required.

This application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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D. JAMES CHUNG
SILICON EDGE LAW GROUP LLP
SUITE 245
6601 KOLL CENTER PARKWAY
PLEASANTON CA 94566

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AUG 10 2007

OFFICE OF PETITIONS

In re Application of

ANDREWS, Peter Scott et al.
Application No. 11/689,868
Filed: March 22, 2007
Attorney Docket No. **P0289US4**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JENKINS, WILSON, TAYLOR & HUNT**
UNIVERSITY TOWER
SUITE 1200
3100 TOWER BOULEVARD
DURHAM, NC 27707

cc: **HARNESS, DICKEY & PIERCE, P.L.C.**
P.O. BOX 8910
RESTON, VA 20195

UNITED STATES 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

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OCT 22 2007

OFFICE OF PETITIONS

In re Application of :
Russell George Villard et al. :
Application No. 11/689,872 : DECISION ON PETITION
Filed: March 22, 2007 : TO WITHDRAW
Attorney Docket No. P0715 : 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 12, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Harness, Dickey & Pierce, P.L.C. has been revoked by the assignee of the patent application on August 8, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jenkins, Wilson, Taylor & Hunt, P.A.**
Suite 1200, University Tower
3100 Tower Boulevard
Durham, NC 27707

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HARNESS DICKEY & PIERCE, PLC.
P.O. BOX 8910
RESTON, VA 20195

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of :
VILLARD, Russell G. :
Application No. 11/689,875 : DECISION ON PETITION
Filed: March 22, 2007 : TO WITHDRAW
Attorney Docket No. 1485/39 CIP (P0757US2) : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **HARNESS DICKEY & PIERCE, PLC** has been revoked by the assignee of the patent application on August 6, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: JENKINS, WILSON, TAYLOR & HUNT, PA.
3100 TOWER BOULEVARD, SUITE 1200
UNIVERSITY TOWER
DURHAM, NC 27707

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CARR LLP (IST)
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS, TX 75202

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AUG 12 2009

OFFICE OF PETITIONS

In re Application of :
Dennis COLLERAN :
Application No. 11/689,881 : DECISION ON PETITION TO
Filed: March 22, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **10-002-US1(IST 3428002)** :

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 7, 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 Gregory W. Carr 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 assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **INNOVATIVE SPINAL TECHNOLOGIES**
20 CABOT BOULEVARD, SUITE 300
MANSFIELD, MA 02048

cc: **ECKERT SEAMANS CHERIN & MELLOTT**
600 GRANT STREET, 44TH FLOOR
PITTSBURGH, PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,892	03/22/2007	Satoshi Ishikawa	305926US2SCONT	2711

7590 03/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
PATEL, NIMESHKUMAR D	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/689,892	03/22/2007	Satoshi Ishikawa	305926US2SCONT	2711

7590 03/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
PATEL, NIMESHKUMAR D	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	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: 03/04/2008 KKING1
03/23/2007 INTEFSW 00000515 11689892
02 FC:1111 -500.00 OP

Refund Ref:
03/04/2008 0030051444

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1006

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DIMOCK STRATTON LLP
20 QUEEN STREET WEST SUITE 3202, BOX 102
TORONTO ON M5H 3R3 CA CANADA

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NOV 16 2007

OFFICE OF PETITIONS

In re Application of
Neil Godara et al.
Application No. 11/689,902
Filed: March 22, 2007
Attorney Docket No. 1145-55/EdeV

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed October 29, 2007 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on March 22, 2007, without an oath or declaration. Accordingly, on April 27, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), a three month extension of time request and an oath or declaration signed by all joint inventors except Erin Gibson was filed. The petition argues that joint inventor Erin Gibson refuses to execute the oath or declaration and thus by her actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to and received by joint inventor Gibson and that to date, she has not returned an executed copy of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petitioner is advised though that as the response to the Notice to File Missing Parts was due by June 27, 2007, the extension of time required for the response filed October 29, 2007 to be timely was four months, not three. Thus petitioner's deposit account no. 50-0663 has been charged in the amount of $820.00 for a four month extension of time.

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
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OFFICE OF PETITIONS

DIMOCK STRATTON LLP
20 QUEEN STREET WEST SUITE 3202, BOX 102
TORONTO ON M5H 3R3 CA CANADA

In re Application of
Neil Godara et al.
Application No. 11/689,902
Filed: March 22, 2007
Title of Invention: **1145-55/EDEV**

: ON PETITION

This is a decision on the petition filed July 21, 2008, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-referenced application was held abandoned on October 30, 2007, for failure to file a timely response to the Notice to File Missing Parts mailed April 27, 2007, which set a two (2)-month statutory period for reply. The Notice required the filing of an Oath or Declaration and advised that Figure 6, as described in the specification appeared to have been omitted. While a response was filed October 29, 2007 with a three month extension of time, the response only addressed the missing oath and included a petition under 37 CFR 1.47. The petition was granted and since authorized, charged the appropriate fee for extending the period of time for response to October 29, 2007.

The response however did not respond to the omission of Figure 6 as described in the specification.

Subsequently, a Notice of Incomplete Reply was mailed December 3, 2007.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under

37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)). Finally, the third option is in the absence of electing options 1) or 2) above, to constructively opt to accept the filing date which has been accorded with the papers filed upon application. With option 3), no petition under 37 CFR 1.182 is necessary for that purpose.

Since no petition was required, the Notice of Incomplete Reply was sent in error.

In view of the above and in view of the amendment to remove the reference to Figure 6, which was filed February 1, 2008, the Office of Patent Application Processing will continue processing the application with the originally accorded filing date of March 22, 2007, but without Figure 6 as part of the original disclosure. The amendment filed February 1, 2008 will be retained in the file for review by the Examiner in due course.

Any further concerns specific to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/7/10 Paper No.: _____

TO SPE OF : ART UNIT 2852 GRAY David (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/689903 Patent No.: 7647005

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

H. Kelly

Certificates of Correction Branch

703-756-1571 _____

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: "European" is missing for all three NPL documents.

/David M. Gray/

SPE

2852

Art Unit

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

6/17/2010

Patent No. :7647005
Inventor(s) :TAKEYUKI TAKAGI
Issued :1/12/2010
Title :PROCESS UNIT, TONER BOX AND IMAGE FORMING APPARATUS
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals by the SPE that the applicant is missing all three NPL documents in European. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

BANNER & WITCOFF, LTD.
1100 13TH Street, N.W. Suite 1200
Washington, DC 2005-4051

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/689,931	03/22/2007	Curtis Wright	077350.0221	2796

62965 7590 02/26/2010

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44th Floor
NEW YORK, NY 10112-4498

EXAMINER	
KRISHNAN, GANAPATHY	

ART UNIT	PAPER NUMBER
1623	

NOTIFICATION DATE	DELIVERY MODE
02/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM

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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44th Floor
NEW YORK NY 10112-4498

FEB 2 6 2010

In re Application of :
Wright et al.
Serial No.: 11/689,931
Filed: March 22, 2007
Attorney Docket No.: **077350.0221**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed October 15, 2009, to expunge information from the above identified application. This application has not been allowed

Petitioner requests that the materials filed under seal in the Information Disclosure Statement filed October 15, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This application is under non-final action. Also, the information provided has not been reviewed. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: David L. Harris	: DECISION ON REQUEST FOR
Patent Number	: 7615900	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/689,949	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **300** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CROSSLEY PATENT LAW
400 SOUTH THIRD STREET
MONTROSE CO 81401

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JUN 19 2007

OFFICE OF PETITIONS

In re Application of :
YANDE, Chandrakant R. :
Application No. 11/689,957 : DECISION ON PETITION
Filed: March 22, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **06-09-13PA** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 22, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's secondary school certificate as evidence that Chandrakant R. Yande 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 3771 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO IL 60690

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OFFICE OF PETITIONS

In re Application of :
Walneck et al. :
Application No. 11/689,976 : DECISION ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. 114687-008 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts in a Nonprovisional Application, which was mailed on March 30, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on May 31, 2007. A Notice of Abandonment was mailed on December 5, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and surcharge, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

It should be noted that, practitioner is required to submit the correct registration number (44,715) on future correspondence.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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ALBUQUERQUE NM 87114

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Van Luchene et al.	:	DECISION ON PETITION
Application No. 11/689,977	:	TO WITHDRAW
Filed: March 22, 2007	:	FROM RECORD
Attorney Docket No. 3106203	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 5, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on October 5, 2009 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.

Further, 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 Ellen Gonzales on behalf of all attorneys of record, but reflects an incorrect Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

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

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OFFICE OF PETITIONS

In re Application of	:	
Van Luchene et al.	:	DECISION ON PETITION
Application No. 11/689,977	:	TO WITHDRAW
Filed: March 22, 2007	:	FROM RECORD
Attorney Docket No. 3106203	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 1, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Ellen Gonzales on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

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

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MAY 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Van Luchene et al.	:	DECISION ON PETITION
Application No. 11/689,977	:	TO WITHDRAW
Filed: March 22, 2007	:	FROM RECORD
Attorney Docket No. 3106203	:	

This is a decision on the second renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 26, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Ellen Gonzales on behalf of all attorneys of record who are associated with Customer No. 52297.

All attorneys/agents associated with Customer Number 52297 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl #205a
Santa Fe, NM 87505

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MICHAEL A. O'NEIL. P.C.
8150 NORTH CENTRAL EXPRESSWAY
SUITE 1150
DALLAS TX 75206

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Hamilton, Gordon E.	:	DECISION ON PETITION
Application No. 11/689,978	:	TO WITHDRAW
Filed: March 22, 2007	:	FROM RECORD
Attorney Docket No. 900980-1004	:	

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 26, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were not appointed via Customer Number. Therefore, requesting to withdraw via Customer Number is not the appropriate course. Further, the person who signed the request, Kelly J. Kubasta (Reg. 44196) does not have power of attorney in the instant application.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action, mailed June 8, 2010, which requires a reply. Failure to timely and properly do so will result in abandonment of the instant application.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

DATE 1-22-09 APPLICATION NUMBER 11/689991

DOC CODE PET DEC DOC DATE 1-23-09

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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MAIL

JAN 23 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

PATENT INGENUITY, PC
520 BROADWAY
SUITE 350
SANTA MONICA CA 90401

In re Application of: **SATOH, FUMIKO**
Application No.: **11/689991**
Filed: March 22, 2007

For: **INFORMATION PROCESSING APPARATUS FOR AUTHENTICATION SETTING OF MODEL THAT REQUIRES CONFIDENTIALITY**

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 December 12, 2008, to make the above-identified application special.

The petition is **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 latest office actions (other than "Decision to Grant a Patent") 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 are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ricky Ngo 571-272-3139.

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.

/Ricky Ngo/

_____

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
Christ et al. :
Application No. 11/689,993 : DECISION ON PETITION
Filed: March 22, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 8100.P004 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 29, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

In regard to the statement of delay, the rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR

§1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Christopher Bottorff at (571) 272-6692. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1794 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/689,993	03/22/2007	1794	1150	8100.P004	23	3

CONFIRMATION NO. 2921

CORRECTED FILING RECEIPT

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Date Mailed: 08/17/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Martin U. Christ, Augsburg, GERMANY;
Oswin H. Ottinger, Meitingen, GERMANY;
Jurgen J. Bacher, Wertingen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 08791

Domestic Priority data as claimed by applicant

This application is a CIP of 11/127,819 05/12/2005 PAT 7,235,301

Foreign Applications

If Required, Foreign Filing License Granted: 04/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/689,993**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Latent Heat Storage Material and Process for Manufacture of the Latent Heat Storage Material

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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THELEN LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

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SEP 2 9 2008

In re Application of :
VAGELOS, Ted :
Application No. 11/690,052 : DECISION ON PETITION TO
Filed: March 22, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. 607836-5 :
:

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 13, 2008.

The request is APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David B. Ritchie on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address as it is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: TED VAGELOS
ONE STRATFORD COURT
WARREN, NJ 07059

cc: PROSKAUER ROSE, LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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APR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Ernest G. Seidman et al :
Application No. 11/690,073 : DECISION GRANTING PETITION
Filed: March 22, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 021825-003960US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 1, 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 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) 272-3208.

This application is being referred to Technology Center AU 1623 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/18/09

TO SPE OF : ART UNIT 2117

SUBJECT : Request for Certificate of Correction for Appl. No.: 11690092 Patent No.: 7587645

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 9C62-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
☑ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Korean document 10-2005-0006297 failed to comply with 35 USC 112(6) as noted by the examiner. Foreign priority therefore is only applicable to document 2006-0069300 (see office actions).

K.-2 CC. 2117

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

PATENT No. 7,587,645
Attorney's Doc. No. 2522-207

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.:	7,587,645		
Inventor:	Young-Uk CHANG, et al.		
Issued:	September 8, 2009		
Ser. No.:	11/690,092	Filed:	March 22, 2007
Group Art Unit:	2117	Examiner:	John P TRIMMINGS
For:	INPUT CIRCUIT OF SEMICONDUCTOR MEMORY DEVICE AND TEST SYSTEM HAVING THE SAME		

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Upon comparison of the above-identified original Letters Patent with applicant's copy of the application, the following errors, **made by the USPTO**, in the original Letters Patent has been noted:

Foreign Application Priority Data, Section (30), add -- Jan. 24, 2005 (KR) 10-2005-0006297 --; not approved NZ

Column 8, line 50, the word "PDTN_F" should read -- PDIN_F --. approved NZ

Applicant respectfully requests that a Certificate of Correction calling attention to the above error be issued pursuant to Rule 322 of the Patent Office and Title 35, United States Code, Section 254.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Alan T. McCollom
Reg. No. 28,881

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,587,645

APPLICATION NO.: 11/690,092

ISSUE DATE : September 8, 2009

INVENTOR(S) : Young-Uk CHANG, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

~~Foreign Application Priority Data, Section (30), add -- Jan. 24, 2005 (KR) 10-2005-0006297 --~~

Column 8, line 50, the word "PDTN_F" should read -- PDIN_F --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE NM 87114

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NOV 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Van Luchene et al.	:	DECISION ON PETITION
Application No. 11/690,095	:	TO WITHDRAW
Filed: March 22, 2007	:	FROM RECORD
Attorney Docket No. 3307101	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 5, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on October 5, 2009 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.

Further, 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 Ellen Gonzales on behalf of all attorneys of record, but reflects an incorrect Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Currently, there is an outstanding Office action mailed July 21, 2009 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
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APR 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Van Luchene et al.	:	DECISION ON PETITION
Application No. 11/690,095	:	TO WITHDRAW
Filed: March 22, 2007	:	FROM RECORD
Attorney Docket No. 3307101	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 1, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Ellen Gonzales on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

Currently, there is an outstanding Office action mailed January 13, 2010 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

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ALBUQUERQUE NM 87114

MAILED

JUN 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Van Luchene et al.	:	DECISION ON PETITION
Application No. 11/690,095	:	TO WITHDRAW
Filed: March 22, 2007	:	FROM RECORD
Attorney Docket No. 3307101	:	

This is a decision on the second renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 26, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Ellen Gonzales on behalf of all attorneys of record who are associated with Customer No. 52297.

All attorneys/agents associated with Customer Number 52297 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed January 13, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl #205a
Santa Fe, NM 87505

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAWRENCE S. COHEN, ESQ.
LAW OFFICE OF LAWRENCE S. COHEN
10960 WILSHIRE BLVD
SUITE 1220
LOS ANGELES, CA 90024

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Jessie Yu	:	
Application No. 11/690,108	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW FROM
Attorney Docket No. 07-117	:	RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed January 29, 2010.

The request is **APPROVED**.

The request was signed by Lawrence Cohen on behalf of himself and all attorneys/agents of record. Therefore, Lawrence Cohen and all the attorneys/agents of record have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

This application file is abandoned for failure to respond to the Office action mailed October 23, 2009. A Notice of Abandonment was mailed on May 20, 2010.

All future communications from the Office will be directed to the sole inventor at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Jessi Yu
5431 Sheila Street
Commerce, CA 90040

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/690,108	03/22/2007	Jessie Yu	07-117

CONFIRMATION NO. 3142

POWER OF ATTORNEY NOTICE

27219
LAWRENCE S. COHEN, ESQ.
LAW OFFICE OF LAWRENCE S. COHEN
10960 WILSHIRE BLVD
SUITE 1220
LOS ANGELES, CA 90024

OC00000041596411

Date Mailed: 05/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/29/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6TH FLOOR
HOUSTON TX 77070

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Naghavi et al.	:	DECISION ON PETITION
Application No. 11/690,122	:	TO WITHDRAW
Filed: March 22, 2007	:	FROM RECORD
Attorney Docket No. 662-0015US	:	

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 5, 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.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to 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/
Liana Walsh
Petitions Examiner
Office of Petitions

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CHARMASSON, BUCHACA & LEACH, LLP
1545 HOTEL CIRCLE SOUTH, SUITE 150
SAN DIEGO CA 92108-3426

MAY 29 2007

In re Application of: BECKER
Serial No.: 11/690,127
Filed: March 22, 2007
Title: BALLOON CATHETERS AND METHODS FOR TREATING PARANASAL SINUSES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 22, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not in condition for examination. The meaning of "condition for examination" is set forth in the policy statement under Part VIII : *Conditions for Examination:*. In particular, subsection (I) requires a proper domestic benefit

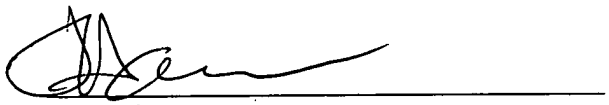
claim(s) under 35 USC 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78. The instant application fails to meet the *Conditions for Examination* in that it fails to provide a proper domestic benefit claim under 35 USC 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78. The instant application states at the first line of the specification: [0001] The application claims the benefit of Application No. 11/347,147 filed on February 2, 2006, which claims the benefit of Application No. 10/259,300 filed on September 30, 2002. As explained in MPEP 201.11:

> A. Reference to Prior Nonprovisional Applications
> Except for benefit claims to the prior application in a continued prosecution application (CPA), benefit claims under 35 U.S.C. 120, 121, and 365(c) must identify the prior application by application number, or by international application number and international filing date, and indicate the relationship between the applications. See 37 CFR 1.78(a)(2)(i). The relationship between the applications is whether the instant application is a continuation, divisional, or continuation-in-part of the prior nonprovisional application. An example of a proper benefit claim is "this application is a continuation of prior Application No. ---, filed ---." A benefit claim that merely states that "this application claims the benefit of Application No. ---, filed ---" does not comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), since the relationship between the applications is not stated. (Emphasis added).

Therefore, the instant application contains an improper domestic benefit claim which fails to comply with 35 USC 120 and 37 CFR 1.78(a)(2)(i). This results in the application considered not to be in *Conditions for Examination* at the time of filing as defined by the policy and as filed the application is not eligible for accelerated examination under 37 C.F.R. § 1.102(d).

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.



J. Harrison
Special Program Examiner
Technology Center 3700

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Paper No.

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

MAILED

OCT 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Masaru Goishi	:	DECISION ON APPLICATION
Application No. 11/690,140	:	FOR
Filed: March 23, 2007	:	PATENT TERM ADJUSTMENT
Atty Docket No. 02008/416001	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §1.705(b)" filed April 6, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to one hundred forty-six (146) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one forty-six (146) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On March 10, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 0 days. On April 6, 2009, applicants timely[1] submitted an application for patent term adjustment (with required fee). Applicants dispute the period of reduction of 218 days entered for applicant taking until February 1, 2008 to

[1] PALM records indicate that the Issue Fee payment was received on May 12, 2009.

file a complete and proper reply to the Notice to File Missing Parts of Nonprovisional Application mailed March 28, 2007. Applicants state that a complete and proper reply to the Notice was filed (within three months) on April 25, 2007. Likewise, applicants state that the reply filed February 1, 2008 was a complete and timely (within three months) reply to the Notice to File Corrected Application Papers mailed December 12, 2007.

The record supports a conclusion that the patent issuing from this application is not subject to a terminal disclaimer.

Applicants are correct. Applicants' response to the Notice to File Missing Parts of Nonprovisional Application mailed March 29, 2007 was received in the Office on April 25, 2007. On December 12, 2007, the Office mailed a Withdrawal of Previously Sent Notice along with a Notice to File Corrected Application Papers. Applicants' response to the Notice to File Corrected Application Papers was received in the Office on February 1, 2008. Thus, responses to both Notices were received inside the three-month period under 37 CFR 1.704(b). Applicants did not fail to engage in reasonable efforts to conclude processing or examination of the application by delaying in replying to the Notice to File Missing Parts of Application mailed March 29, 2007 or the Notice to File Corrected Application Papers mailed December 12, 2007. The reduction of 218 days is not warranted and is being removed.

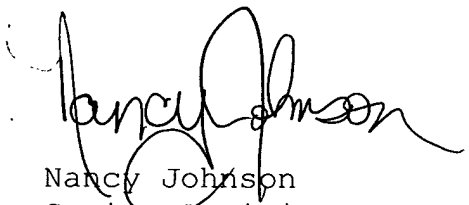
In view thereof, the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is one hundred forty-six (146) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PALM PTA Screen

Day : Thursday
Date: 10/8/2009

PALM INTRANET

Time: 17:30:01

PTA Calculations for Application: 11/690140			
Application Filing Date:	03/23/2007	PTO Delay (PTO):	146
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	218
Post-Issue Petitions:	0	Total PTA (days):	146
PTO Delay Adjustment:	218		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
69	10/08/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	218		
47	03/10/2009	MAIL NOTICE OF ALLOWANCE			
46	03/03/2009	ISSUE REVISION COMPLETED			
45	03/03/2009	DOCUMENT VERIFICATION			
44	03/03/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	03/01/2009	NOTICE OF ALLOWABILITY			
40	02/20/2009	DATE FORWARDED TO EXAMINER			
39	01/15/2009	RESPONSE AFTER NON-FINAL ACTION			
38	10/16/2008	ELECTRONIC REVIEW			
37	10/16/2008	EMAIL NOTIFICATION			
36	10/16/2008	MAIL NON-FINAL REJECTION	146		-1
35	10/10/2008	NON-FINAL REJECTION			
31	03/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
30	06/23/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	09/30/2008	CASE DOCKETED TO EXAMINER IN GAU			
28	09/26/2008	EMAIL NOTIFICATION			
27	09/25/2008	PG-PUB ISSUE NOTIFICATION			
26	09/11/2008	CASE DOCKETED TO EXAMINER IN GAU			
25	06/23/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
24	03/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	06/23/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
		IFW TSS PROCESSING BY TECH CENTER			

22	05/08/2008	COMPLETE			
21	03/23/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
20	03/25/2008	APPLICATION DISPATCHED FROM OIPE			
19	02/11/2008	EMAIL NOTIFICATION			
18	02/08/2008	SENT TO CLASSIFICATION CONTRACTOR			
17	02/11/2008	FILING RECEIPT - UPDATED			
16	02/11/2008	APPLICATION IS NOW COMPLETE			
15	02/01/2008	ADDITIONAL APPLICATION FILING FEES		218	2
14	02/01/2008	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
13	12/12/2007	EMAIL NOTIFICATION			
12	12/12/2007	FILING RECEIPT			
11	03/28/2007	PRE-EXAM OFFICE ACTION WITHDRAWN			
10	04/25/2007	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
9	04/25/2007	ADDITIONAL APPLICATION FILING FEES			
8	04/25/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	04/25/2007	TRANSLATION OF CLAIMS INTO ENGLISH			
5	04/25/2007	TRANSLATION OF SPECIFICATION INTO ENGLISH			
4	05/01/2007	CLEARED BY OIPE CSR			
3	05/01/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	03/28/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
1	03/23/2007	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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WWW.USPTO.GOV

Paper No.

STRIKER, STRIKER & STENBY
103 EAST NECK ROAD
HUNTINGTON NY 11743

COPY MAILED

JUN 04 2009

OFFICE OF PETITIONS

In re Application of :
Willi Behnke et al. :
Application No. 11/690,171 : DECISION ON PETITION
Filing Date: March 23, 2007 : PURSUANT TO
Attorney Docket No.: 3081A : 37 C.F.R. § 1.78(A)(3)
Title: METHOD AND APPARATUS FOR :
ASCERTAINING THE QUANTITY OF A :
CROP HARVESTED IN A COMBINE :

This is a decision on the "PETITION TO CLAIM THE BENEFIT OF PRIOR FILED PARENT APPLICATION UNDER 35 USC 119(e): 120, 121 AND 365(c)," filed on December 24, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed non-provisional application 10/940,437, set forth in an amendment to the specification that was filed on August 8, 2008. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.78(a)(3).

This petition pursuant to 37 C.F.R. § 1.78(a)(3) is **GRANTED**.

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. § 1.78(a)(2)(ii). In addition, the petition pursuant to 37 C.F.R. § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed applications, unless previously submitted;
(2) the surcharge set forth in 37 C.F.R. § 1.17(t), and;
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional.

Since the statement contained in this renewed petition varies slightly from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

The petition fee will be charged to Petitioner's Deposit Account in due course, as authorized on the second page of this petition.

Petitioner has included an amendment to the specification and a statement that is being construed as the proper statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority pursuant to 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of this petition to accept the delayed benefit claim to the prior-filed application pursuant to 37 C.F.R. § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 C.F.R. §§ 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed

application should not be construed as meaning that Applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the Examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 3671 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[1]

Anthony Knight
Supervisor
Office of Petitions

Encl. Corrected Filing Receipt

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/690,171	03/23/2007	3671	1000	3081A	7	1

CONFIRMATION NO. 3267

CORRECTED FILING RECEIPT

STRIKER, STRIKER & STENBY
103 EAST NECK ROAD
HUNTINGTON, NY 11743

Date Mailed: 06/04/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Willi Behnke, Steinhagen, GERMANY;
Joachim Baumgarten, Beelen, GERMANY;

Power of Attorney:
Michael Striker--27233

Domestic Priority data as claimed by applicant

This application is a DIV of 10/940,437 09/14/2004 PAT 7,362,233

Foreign Applications
GERMANY 103 43 916.1 09/19/2003
GERMANY 103 58 954.6 12/15/2003

If Required, Foreign Filing License Granted: 04/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/690,171**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND APPARATUS FOR ASCERTAINING THE QUANTITY OF A CROP HARVESTED IN A COMBINE

Preliminary Class

460

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

Mail Date: 04/21/2010

Applicant	: GREGORY G. HORTIN	: DECISION ON REQUEST FOR
Patent Number	: 7591399	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/690,184	: 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 **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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FEB 28 2008

OFFICE OF PETITIONS

In re Application of :
BRAHMBHATT, Himanshu et al. :
Application No. 11/690,206 : DECISION ON PETITION
Filed: March 23, 2007 : TO WITHDRAW
Attorney Docket No. **060348-0135** : 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 28, 2007.

The request is **NOT APPROVED** as 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 December 20, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **STERNE, KESSLER, GOLDSTEIN &**
FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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SONNENSCHEIN & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

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SEP 05 2008

OFFICE OF PETITIONS

Applicant: Imai, et. al.
Appl. No.: 11/690,232
International Filing Date: March 23, 2007
Title: LASER ANNEALING DEVIE AND METHOD FOR PRODUCING THIN-FILM TRANSISTOR
Attorney Docket No.: 09792909-6964
Pub. No.: US 2007/0178674 A1
Pub. Date: August 2, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 18, 2007, for the above-identified application

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein the priority data in the preliminary amendment of October 3, 2007 was not published.

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the priority data in the publication by the Office because patent

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a), [2] which says the following, in part:

> (a) . . . The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. **The patent application publication may also be based upon amendments** to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b), amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added)

§ 1.215(c) says the following:

(c) At applicant's option, 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 within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The patent application publication does not include a mistake regarding the failure to include the preliminary amendment with the benefit claim on page 1 of the specification in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a). While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment.

The error in the priority information on the front page of the publication may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error does not affect the understanding of the application because the information was correctly published in the parent application, serial number 10/466,096. 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

---

[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Commissioner for Patents
United States Patent and Trademark Office
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MAIL

APR 24 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
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MONTREAL QC H3A2Y-3 CA CANADA

In re Application of:
SOUCY, PASCAL et al
Serial No.: 11/690,235
Filed: March 23, 2007

Title: **SPEECH RECOGNITION TRAINING METHOD FOR AUDIO AND VIDEO FILE INDEXING ON A SEARCH ENGINE**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I above are considered to have been met. However, the petition fails to comply with conditions set forth under section II items 5 through 5.3, 6.1, 6.2, 6.3, 6.5. and 6.6

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements in item 5 through 5.3, the preexamination search document provided with the instant petition is deficient as follows: The US Field of Search and Databases Searches which are to be provided under section 8(A) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/subclasses: 704/243, 244, and 260. Furthermore, the search logic appears incomplete. Essential terms like enroll$4 and register$3 are not included in the text search. Also, the text search should include a search for audio/visual indexing or querying and for scoring or counting sentences.

Regarding the requirement of item 6.1, the "Accelerated Examination Support Document", part 9(A) is deficient because a legible copy of the entire foreign reference document EP 1,630,705 cited on the IDS must be submitted and incorporated in the file in accordance with 37 CFR 1.98. Currently, only the front page of the document is recorded in the file.

Regarding the requirement of item 6.2, the "Accelerated Examination Support Document", part 9(B.) provides an identification of claim limitations that are in most of the documents cited. However, the petition fails to identify all of the limitations in all of the claims of the application that are disclosed by the Saldago-Garza et al 2005 document, Speech Tuner for Speech Engine document, and the "Dragon Audiomining SDK for Dragon Audiomining" document as well as identify all of the limitations in all of the claims of the application that are disclosed by the three cited references and specifying where the limitation is disclosed by each cited reference as required by item 6.2.

Regarding the requirement of item 6.3, the "Accelerated Examination Support Document", part 9(C.) is deficient inasmuch as petitioner does not provide a "detailed explanation of how ***each of the claims*** are patentable over each of the references cited with the particularity required by 37 CFR 1.111(b) and (c). Rather petitioner has identified some limitations that are not taught or suggested by the references, but fails to indicate if these limitations are patentable over the art of record and fails to identify which claims which limitations are claimed. Petitioner also makes a statement that some of dependent claims 2-14 have features that would define over the art of record, but fails to indicate what those limitations are, from which claims do they belong, and whether they would be deemed patentable over the art of record. Also the claims that don't have features that define over the references, would they stand or fall together with the claims they depend from?

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", part 9(E)) is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of the specification. Petitioner provides a broad statement for each of claims 2-17 that support "is found in a figure or a paragraph without identifying each of the limitations in each claim. Clarification is required.

Regarding the requirement in item 6.6 above, the "Accelerated Examination Support Document" fails to include a statement identifying any cited references that may be disqualified as prior art under 35 USC 103(c) or if none, making a statement there are none.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5 through 5.3 above, and the Preexamination Search Support Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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MAIL

JUN 20 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
SOUCY, PASCAL, et al.
Serial No.: 11/690,235
Filed: March 23, 2007

Title: **SPEECH RECOGNITION TRAINING METHOD FOR AUDIO AND VIDEO FILE INDEXING ON A SEARCH ENGINE**

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 May 24, 2007 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All requirements to correct the deficiencies outlined in the petition decision of April 24, 2007 have been met.

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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

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
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www.uspto.gov

North Star Intellectual Property Law, PC
P.O. Box 34688
Washington, DC 20043

Mail Date: 05/21/2010

Applicant	: Sung-hee HWANG	: DECISION ON REQUEST FOR
Patent Number	: 7639581	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/690,257	: 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 **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RESEARCH IN MOTION
ATTN: GLENDA WOLFE
BUILDING 6, BRAZOS EAST, SUITE 100
5000 RIVERSIDE DRIVE
IRVING, TX 75039

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OCT 15 2008

OFFICE OF PETITIONS

In re Application of
Michael Shenfield
Application No. 11/690,329
Filed: March 23, 2007
Attorney Docket No. 2173-446

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by July 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts (Notice) mailed May 7, 2007. The notice required an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(f). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 8, 2007. A Notice of Abandonment was mailed on January 15, 2008. On July 8, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration and the $130 surcharge; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed July 8, 2008.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOSEPH L. ULVR
427 LAURIER AVE. WEST
SUITE 1200
OTTAWA, ONTARIO CANADA K1R 7Y2

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101 BREVARD AVENUE
COCOA FL 32922

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FEB 21 2008

OFFICE OF PETITIONS

In re Application of :
Boire et al. :
Application No. 11/690,339 : ON PETITION
Deposited: 03/23/2007 :
Atty Docket No. PC-1854CIP.DIV.B :

This is a decision on the "PETITION TO ADD INADVERTENTLY OMITTED MATERIAL TO THE ABOVE-IDENTIFIED APPLICATION UNDER CFR 1.57(a)," filed October 12, 2007.

For the reasons stated herein, the petition is **DISMISSED**.

Petitioners are given **TWO (2) MONTHS** from the mailing date of this decision to correct the below-noted deficiencies, including supplying an amendment in compliance with 37 CFR 1.57 and 37 CFR 1.121 or otherwise, properly respond. This period is not extendable. See 37 CFR 1.181(f). The reconsideration request should include a cover letter entitled "RENEWED PETITION UNDER 37 CFR 1.57(a)."

Petitioners deposited the application papers on March 23, 2007. On September 24, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without a specification as prescribed by 35 U.S.C. 112.[1]

On October 12, 2007, petitioners submitted the present petition, the $400.00 petition fee, an executed declaration and power of attorney, and copies of the inadvertently omitted specification

[1] Additionally, the Office notes that the application was deposited without any drawings.

and drawings. Petitioners assert that they inadvertently omitted the specification and drawings upon filing the present application. Petitioners request that the Office accord the application a filing date of March 23, 2007, and include the specification and drawings based on the incorporation by reference of the prior-filed nonprovisional application pursuant to 37 CFR 1.57.

37 CFR 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> > (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
> >
> > (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
> >
> > (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The present application was deposited after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. Petitioners assert that the application, as deposited on March 23, 2007, included a claim for the benefit of Application No. 11/245,808, filed October 5, 2005. Further, petitioners state that no new matter has been introduced into the application and that the documents submitted on petition are true and correct copies of the correspondence and attachments listed in the petition.

A review of the present application, as deposited on March 23, 2007, confirms that it included a claim under 37 CFR 1.78 in the Application Data Sheet to prior-filed nonprovisional Application No. 11/245,808. However, petitioners did not submit an amendment to include the inadvertently omitted portion of the specification and drawings. Additionally, petitioners did not provide a copy of the preliminary amendment to the specification filed in prior-filed application No. 11/245,808 on October 5, 2005. [2] Lastly, petitioners did not identify where the inadvertently omitted portion of the specification and drawings could be found in the prior-filed application.

In view thereof, the petition is dismissed.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

[2] Any preliminary amendment that is present on the filing date of an application filed under 37 CFR 1.53(b) is part of the original disclosure.

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via EFS-Web.

Telephone inquiries related to this decision may be directed to Christina Tartera Donnell, Senior Petitions Attorney at (571) 272-3211.

Charles Pearson
Director
Office of Petitions

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APR 24 2008

OFFICE OF PETITIONS

In re Application of :
Boire et al. :
Application No. 11/690,339 : ON PETITION
Deposited: March 23, 2007 :
Atty Docket No. PC-1854CIP.DIV.B :

This is a decision on the "RENEWED PETITION TO ADD INADVERTENTLY OMITTED MATERIAL TO THE ABOVE-IDENTIFIED APPLICATION UNDER [37] CFR 1.57(a)," filed April 21, 2008.

The petition is **GRANTED**.

Petitioners deposited the application papers on March 23, 2007. On September 24, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without a specification as prescribed by 35 U.S.C. 112.[1]

On October 12, 2007, petitioners submitted the original petition under 37 CFR 1.57(a), the $400.00 petition fee, an executed declaration and power of attorney, and copies of the inadvertently omitted specification and drawings. Petitioners asserted that they inadvertently omitted the specification and drawings upon filing the present application. Petitioners requested that the Office accord the application a filing date of March 23, 2007, and include the specification and drawings based on the incorporation by reference of the prior-filed nonprovisional application pursuant to 37 CFR 1.57. Petitioners

[1] Additionally, the Office notes that the application was deposited without any drawings.

asserted that the application, as deposited on March 23, 2007, included a claim for the benefit of Application No. 11/245,808, filed October 5, 2005. Further, petitioners stated that no new matter had been introduced into the application and that the documents submitted on petition were true and correct copies of the correspondence and attachments listed in the petition.

Unfortunately, the petition of October 12, 2007, was dismissed by the decision of February 21, 2008, because petitioners did not submit an amendment to include the inadvertently omitted portion of the specification and drawings. Additionally, petitioners did not provide a copy of the preliminary amendment to the specification filed in prior-filed application No. 11/245,808 on October 5, 2005.[2] Lastly, petitioners did not identify where the inadvertently omitted portion of the specification and drawings could be found in the prior-filed application. The decision set a period of two month from the mail date to request reconsideration and correct the noted deficiencies. On February 21, 2008, petitioners filed the present renewed petition under 37 CFR 1.57(a).

37 CFR 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

[2] Any preliminary amendment that is present on the filing date of an application filed under 37 CFR 1.53(b) is part of the original disclosure.

> (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 present application was deposited after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. A review of the present application, as deposited on March 23, 2007, confirms that it included a claim under 37 CFR 1.78 in the Application Data Sheet to prior-filed nonprovisional Application No. 11/245,808. With the renewed petition, petitioners submitted an amendment to include the inadvertently omitted portion of the specification and drawings. Additionally, petitioners provided a copy of the preliminary amendment to the specification filed in prior-filed application No. 11/245,808 on October 5, 2005. Lastly, petitioners identified where the inadvertently omitted portion of the specification and drawings could be found in the prior-filed application.

In view thereof, the petition is granted.

This matter is being referred to the Office of Patent Application Processing to **accord the application a filing date of March 23, 2007**, as an application claiming priority of prior-filed Application No. 11/245,808, including copies of the specification, drawings and preliminary amendment from the prior-filed nonprovisional application supplied on October 12, 2007, and April 21, 2008, respectively.

Telephone inquiries related to this decision may be directed to Christina Tartera Donnell, Senior Petitions Attorney at (571) 272-3211.

Anthony Knight for
Charles Pearson
Director
Office of Petitions

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YAMAHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Gen Ohzono	: DECISION ON REQUEST FOR
Patent Number	: 7661857	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/690,343	: 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 **312** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/690,344	03/23/2007	Jin Sato	305772US8	3592

7590 08/28/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
FISCHER, MARK L	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
08/28/2009	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: 08/28/2009 BPOWELL
03/23/2007 INTEFS0 00002052 11690344
CE FC:1111 -500.00 OP

Adjustment date: 08/28/2009 BPOWELL
03/23/2007 INTEFS0 00002052 11690344
CE FC:1111 -500.00 OP

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Cooley, Goddward, Kronish, LLP
Attn: Patent Group
Suite 1100
777 – 6th Street, NW
Washington, DC 20001

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JAN 15 2009

OFFICE OF PETITIONS

In re Application of
Saravanan Mallesan
Application No. 11/690,348
Filed: March 23, 2007
Attorney Docket No. NEXE-014/01US 306342-2032

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 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 Daniel M. Bennett on behalf of all attorneys/agents associated with customer number 22903. All attorneys/agents associated with customer number 22903 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence has been changed to that of the inventor at the address noted in the oath and declaration. The new address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Saravanan Mallesan
4117 Evergreen Drive
Fairfax, VA 22032

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/690,348	03/23/2007	Saravanan Mallesan	NEXE-014/01US 306342-2032

CONFIRMATION NO. 3599

22903
COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

POWER OF ATTORNEY NOTICE

OC000000034069758

Date Mailed: 01/15/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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INTELLECTUAL PROPERTY DEPARTMENT
P.O. Box 10064
MCLEAN VA 22102-8064

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OCT 29 2009

OFFICE OF PETITIONS

In re Application of :
Heinrich LYSEN :
Application No. 11/690,363 : DECISION DISMISSING PETITION
Filed: March 23, 2007 : UNDER 37 CFR 1.313(a)
Attorney Docket No. **743025-2** :

This is a decision on the petition under 37 CFR 1.313(a), filed October 26, 2009, to withdraw the above-identified application from issue.

The petition is **DISMISSED AS MOOT** since this application is now abandoned for failure to timely pay the issue and publication fees on or before October 27, 2009 as required by the Notice of Allowance and Fee(s) Due, mailed July 27, 2009.

Petitioner should note that the mere filing of a petition to withdraw from issue does not stay the period for paying the fees required by the Notice of Allowance and Fee(s) Due. Unless an applicant receives a written communication from the Office that the application has been withdrawn from issue, the issue and publication fees must be timely submitted to avoid abandonment. *Note* MPEP § 1308(I)(A).

In view of the above, the petition to withdraw from issue must be dismissed as involving a moot issue.

Petitioner may wish to consider filing a petition under 37 CFR 1.137 to revive this application.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN, VA 22102-8064

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NOV 09 2009

OFFICE OF PETITIONS

In re Application of :
Heinrich LYSEN :
Application No. 11/690,363 : DECISION GRANTING PETITIONS
Filed: March 23, 2007 : UNDER 37 CFR 1.137(b) AND
Attorney Docket No. **743025-2** : 37 CFR 1.313(c)(2)

This is a decision on the petitions, filed November 2, 2009, under 37 CFR 1.137(b), to revive the above-identified unintentionally abandoned application and on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue.

As to the petition under 37 CFR 1.137(b):

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 27, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 27, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has submitted (1) payment of the $755 issue fee and the $300 publication fee, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the Notice of Allowance is accepted as having been unintentionally delayed.

As to the petition under 37 CFR 1.313(c)(2):

The petition under 37 CFR 1.313(c)(2) is **DISMISSED**.

Petitioner requests withdrawal of this application from issue for consideration of an information disclosure statement and amendment.

37 CFR 1.313(c) provides that:

> Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
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Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-0025
Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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INTELLECTUAL PROPERTY DEPARTMENT
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MCLEAN, VA 22102-8064

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OFFICE OF PETITIONS

In re Application of :
Heinrich LYSEN :
Application No. 11/690,363 : DECISION GRANTING PETITIONS
Filed: March 23, 2007 : UNDER 37 CFR 1.137(b) AND
Attorney Docket No. **743025-2** : 37 CFR 1.313(c)(2)

SUPPLEMENTAL DECISION

This is a decision on the petitions, filed November 2, 2009, under 37 CFR 1.137(b), to revive the above-identified unintentionally abandoned application and on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue.

As to the petition under 37 CFR 1.137(b):

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 27, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 27, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has submitted (1) payment of the $755 issue fee and the $300 publication fee, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the Notice of Allowance is accepted as having been unintentionally delayed.

As to the petition under 37 CFR 1.313(c)(2):

The petition under 37 CFR 1.313(c)(2) is **DISMISSED**.

Petitioner requests withdrawal of this application from issue for consideration of an information disclosure statement and amendment.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-0025
Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

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DEC 10 2009

OFFICE OF PETITIONS

In re Application of
Heinrich LYSEN
Application No. 11/690,363
Filed: March 23, 2007
Attorney Docket No. **743025-2**

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(1)

This is a decision on the renewed petition under 37 CFR 1.313(c)(1), filed December 9, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The petition complies with the requirements of 37 CFR 1.313(c)(1). Accordingly, the above-identified application is withdrawn from issue.

Petitioner is advised that the issue fee paid in this application 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.

The application is being referred to Technology Center AU 2878 for consideration of the amendment submitted with the petition.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/690,376	03/23/2007	Yasuaki Ootera	305980US2S	3652

EXAMINER

7590 06/04/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
06/04/2008	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

Refund Ref:
06/03/2008 0030056430

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXX1009

Adjustment date: 06/03/2008 NFARMER
03/26/2007 INTEFSW 00000036 11690376
02 FC:1111 -500.00 OP

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APPLIED MATERIALS/BLAKELY
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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JUL 16 2007

OFFICE OF PETITIONS

In re Application of :
Alexander Sou-Kang Ko et al. :
Application No. 11/690,405 : DECISION ACCORDING STATUS
Filed: March 23, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 9941USA/W-C/W-C/CKIM :

This is in response to the petition filed June 27, 2007 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on March 23, 2007 without the signatures of all the inventors. Accordingly, on April 27, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed by all the remaining inventors except joint inventor Cole Franklin and a petition under 37 CFR 1.47(a) was filed. The petition argues that joint inventor Franklin refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to Mr. Franklin and that in a voicemail message to the phone number of the attorney of record, Robert W. Mulcahy, Mr. Franklin has verbally refused to execute the oath or declaration and thus, to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DALINA LAW GROUP, P.C.
7910 IVANHOE AVE. #325
LA JOLLA CA 92037

JUN 04 2007

In re Application of LEATT
Serial No.: 11/690,412
Filed, March 23, 2007
Title: NECK BRACE

: DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.1, 5.3, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.2, 6.2, 6.3, 6.4 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the two page PTO/SB/28 form, the "pre-examination search document" including pages 1-3; the "accelerated examination support document" comprising pages 1- 6, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 128 subclasses 97.1, 846 and 847 and class 2 subclass 6.6. Further, the text search logic used appears not to be directed to the invention as claimed. Keyword searching of patent and patent-related documents should have included terms of the claim language including the dependent claims. It does not appear that the search of US Patents included the OCR database file and thus was limited to patents granted after mid-1970's, and the mere text searching of the title of the invention is considered too broad. The search of the EPO database appears limited to titles and abstracts thus is overly restrictive. The non-patent literature search of "neck brace" via Google appears so broad as to be meaningless: it renders over 1.2 million hits and it is unknown if any, some or all hits were reviewed. A grantable petition must include a search that is directed to the claimed invention and encompass all of the features of all of the claims, giving the claims the broadest reasonable interpretation

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. Petitioner provides a generalized statement of what each reference cited generally shows. Nowhere is any specific limitation from any claim specifically pointed out in any piece of art. This section of the petition is wholly deficient. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of*

the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner's submission must be expanded to include all claims and all claimed limitations in view of all cited references.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioner provides a general statement that all references fail to teach or suggest "at least one generally upwardly facing impact surface which, when said brace is used with a helmet, limits movement of said helmet by contacting an underside of said helmet" and "wherein said structure is sufficiently resilient to transfer impact loads of said helmet on said impact surface, to said wearer's body" as required by claim 1. It is not know which one of these numerous limitations are not seen in the prior art nor which one petitioner believes specifically makes these claims patentable over each of the cited prior art. Applicants should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. All claims should be addressed in view of each piece of art with respect to both novelty and nonobviousness. For these reasons, the petition does not meet the requirement of section II, element 6.3

Regarding the requirements of section II element 6.3 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Petitioner has generally pointed to what essentially amounts to large portions of the specification for support of three generalized ideas recited in the independent claims. This must be expanded to include a specific showing of support for each limitation of each claim. This requirement includes showing support under 35 USC 112, first

paragraph, in the written description of the specification of each priority document for which petitioner claims benefit. This section of the petition is wholly deficient.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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LA JOLLA CA 92037

AUG 28 2007

In re Application of LEATT
Serial No.: 11/690,412
Filed, March 23, 2007
Title: NECK BRACE

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 July 5, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323). The details of the policy were set forth in the prior decision.

REVIEW OF FACTS

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on March 23, 2007. That petition was dismissed in the decision mailed June 4, 2007 wherein a non-extendible period of one month or 30 days, whichever was longer, was set to request reconsideration. The reasons for the dismissal were 1) inadequate search document, 2) inadequate identification of all of the limitations in the application claims that are disclosed in each of the closest prior art references cited, 3) inadequate detailed explanation of how each of the claims are patentable over each of the references, 4) inadequate concise statement of utility of the invention as defined by each of the independent claims, and 5) inadequate showing of 35 USC 112 first paragraph support for each limitation of each claim in the instant application as well as in every application for which benefit under 35 USC is claimed. Upon reconsideration, at least one of these requirements for a grantable accelerated examination petition remains deficient.

DISCUSSION

When referring to "the petition" hereinbelow, the received papers under consideration include the two page PTO/SB/28 form, the "pre-examination search document" including pages 1-3; the "accelerated examination support document" comprising pages 1- 6, and an Information

Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A) all originally filed on March 23, 2007 and reviewed in combination with the "pre-examination search document" including pages 1-3, the "accelerated examination support document" comprising pages 1- 31 and the "response to accelerated examination petition decision comprising pages 1-4 all filed on July 5, 2007.

The renewed petition filed July 5, 2007 is seen to arguably satisfy conditions 1 and 2 (note observations hereinbelow) as stated above. However, at least conditions 3, 4 and 5 remain deficient. As set forth in the prior decision, condition 3 relates to policy items 6.3 failed to provide a detailed explanation of how each of the claims are patentable over each of the references cited with the particularity required by 37 CFR 1.111(b) and (c). A review of the request for reconsideration and substitute accelerated examination support document filed July 5, 2007 finds that petitioner has grouped patents together to state the patents do not contain certain limitations of the claims. Presumably, this is in support of patentability of each claim based upon this limitation. Review of this section raises inconsistencies and questions in as much as petitioner states:

> The following references do not contain the following limitations:
> Caille et al. US Patent Publication 20030060744, Hartunian et al. US Patent 6,058,517, SCHOLL MFG. GB 779 717, Garth et al. US Patent 7,141,031 , Horiuchi US Patent 4,643,174, Varnau US Patent 5,531,669, and Hall US Patent 2,820,455 :
> claim 1, element 4: wherein said structure is sufficiently resilient to transfer impact loads of said helmet on said impact surface, to said wearer's body.

However, when looking to the mapping section presented under 9(b), petitioner has identified structure in at least Hartunian, Scholl, Garth, Horiuchi , Varnau and Hall which petitioner feels equates to this limitation of clam 1. Therefore, it is not know why petitioner feels claim 1 is patentable over at least these prior art references. Further, as every limitiation of claim 1 appears to be equated with structure disclosed in Hartunian, it is not clear why Hartunian does not anticipate claim 1. And no discussion is seen with respect to any consideration of 35 USC 103 and the prior art cited. Thus, the petition fails to provide a detailed explanation of how each of the claims are patentable over each of the references cited with the particularity required by 37 CFR 1.111(b) and (c). This fact alone warrants denial of the instant petition.

Further, with respect to condition 4, as previously stated the petition fails to identify a concise statement of the utility of the invention *as defined in each of the independent claims*. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention. No discussion of the utility of the claims has been provided.

Finally, with respect to condition 5, as previously stated this requirement includes showing support under 35 USC 112, first paragraph, in the written description of the specification of each priority document for which petitioner claims benefit. This application claims benefit upon the first line of the specification as follows: "This application is a continuation of United States Utility Patent Application Serial No. 11/440,576 filed *5/25/2006* which is a continuation of international application PCT/ZA2004/000148 filed 26 November 2004, published in English

under PCT Article 21(2), which claims benefit from South African Application Serial No. 2003/9174 filed 26 November 2003, the specifications all of which are hereby incorporated herein by reference." No showing of support under 35 USC 112, first paragraph, in the written description of the specification of each priority document for which petitioner claims benefit has been provided by petitioner.

OBSERVATIONS

The following observations are made to aid petitioner should petitioner attempt an accelerated examination petition in any continuation of this application.

Petitioner's remarks with respect to the prior dismissal based upon an inadequate search document are noted. It is appreciated that petitioner included the recommended search to class 2 subclass 6.6. Further, petitioner is correct in detecting a typo in the prior decision: class 128 subclass 847 should have been class 128 subclass 857. And petitioner is correct in noting the discrepancy about the examiners prior comments regarding the Google search: the examiner had duplicated the search in the broad GOOGLE database rather than GOOGLE SCHOLAR , as the examiner was of the opinion that the claimed invention lent itself readily to being a consumer article rather than the subject of scholarly study. For example, a GOOGLE search of "neck brace" and helmet and impact and injury resulted in 626 hits one of which is from "Racecar engineering" entitled Driver Equipment references the well know Head ad Neck Support (HANS) system in use since 1995 in motorsport, and generally taught in US Patent 4638510 (copies of both included herewith). The same search in GOOGLE PATENTS reveals 8 patents some of which appears closely related to the instant invention.

Next, petitioner submits the examiner recommended search areas without consideration of the claimed invention by submitting arguments that "surgeons do not use a helmet on a patient who is wearing a neck brace and imparting loads upon them". While petitioner may be of the opinion that the conditional intended use recited in his claims impacts and limits the search, the examiner has recommended search areas consistent with where one of ordinary skill in the art would look to find structures relating to the problem to be solved of protecting the neck during head impact, and based upon the actual structure recited in the claims or that could be claimed, as required by the AE policy. Petitioner has stated on the record in his arguments that he makes no claim to a helmet in that applicant is claiming a neck brace which may be used with countless helmets. Yet later in the petition it is submitted that the claims are patentable over certain prior art (at least Caille et al.) because even though they show an upwardly facing surface, the surface in impacted by the chin and not a helmet. One must ask if the user of the prior art devices were wearing a helmet, would the surface contact the base of the helmet? Respectfully, petitioner may not have it both ways: petitioner may not limit the search to areas without helmets because he feels no helmet is claimed while simultaneously arguing patentability over prior art because the prior art fails to teach use with a helmet.

Further, it is noted that petitioner remarks that the "USPTO has failed to OCR patents dated before 1976". This statement is factually incorrect: the OCR of all patents prior to 1976 is readily available both in the Public Search Room as well as on the internet at www.USPTO.gov . Further, even GOOGLE Patents includes the OCR backfile of patents from 1790 to present. And

petitioner's remarks that his searching to date is far more extensive than and examiner would have allotted time for is of no bearing in that it is the completeness of the search that is required for a grantable AE petition rather than the efficiency of the search.

The purpose of the recommended search is for petitioner to conduct a complete and thorough search and to have the best available prior art at his command so that the claims may be drafted to avoid that prior art. Nonetheless, it is recognized that this is a difficult and somewhat subjective "grey area" of the AE petition program and the instant petition would not have been denied on deficient search alone. However, the recommended search remains recommended should petitioner attempt an accelerated examination petition in any continuation of this application.

It is further observed that a copy of SCHOLL MFG (GB 779717) does not appear to be of record.

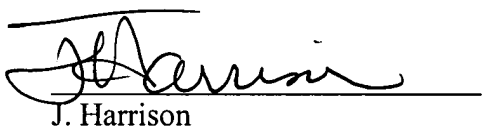
With respect to the mapping under section 6.2 the following observations are made. In the discussion of Caille to claim 1, petitioner states foam is not resilient to transfer impact loads. However, with respect to other prior art analyzed, foam is considered to be resilient to transfer loads. What is different about Caille's foam? Generally, petitioner fails to speak to the claimed upwardly facing impact surface of the prior art: rather petitioner focuses this element is not found because the prior art is not shown in contact with a helmet. This type of analysis fails to speak to the "surface" structure of the claim and whether the prior art has an upwardly facing surface. The claims caveat "when the brace is used with a helmet". What about the structure alone, when the brace is worn without a helmet? Section 6.2 is generally a "fact finding" analysis: is the structure or its equivalent found in the prior art or not. Section 6.3 is where petitioner presents the logic, rational and reasoning why the claims are patentable over the prior art.

DECISION

For the above-stated reasons, the renewed petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Programs Examiner, at (571) 272-4449.



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Driver equipment

Because of the high speeds that are achieved in Formula One thanks to the technical evolutions during the year, drivers have to be well equipped to handle the cars, and to be able to endure this during 2 hours. We should not forget that no driver can do his job without any mistake, which is why the passive and active safety of the cars need to be of an extreme quality. Very much crashes (especially during the last 4 years) prove that the new constructed vehicles are safer and safer. It is to ensure this safety that many products were developed and enhanced during the history of motorsports.

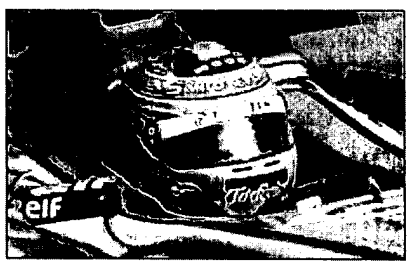
Seat belts

That is certainly the first option to create a safe position for the driver. The 4-point seatbelts theze time keep the driver at his place all the time. They protect him from falling out the car when it rolls over and from hurting himself with the great G-forces that are generated by the carbon brakes.

Overall and fire protective suits

One of the most important aspects to guarantee driver and equipment safety is to protect them from fire. Costs nor effort are saved to optimize that. The colourful suits that drivers wear are made of lightweight Nomex fibres. These stand 8 seconds of fire exposure, and thereby only causing minor injuries to the driver. The overalls are stitched in a very special way, which allows air cushions between the stitches. As air does guide warmth far less easy than solid material does, this is one of the most important features of an overall. Besides the overall, drivers are protected with a thin Nomex hose, all over their body. It consists of fire protective underwear, pants, a balaclava (image on the left), ... They also wear Nomex shoes with a hard sole, that gives grip on the pedals, Nomex gloves with suede on the inside for comfort and extra grip on the steering wheel.

Helmet



The helmet is the only protection for the driver's head. While it is recognition possibility for the spectators and commentators at the circuit, a helmet is the most important part in driver's safety, and even plays an important role in the car's aerodynamics. The helmet area is one of the most turbulent of an F1 car, and it is the aim of helmet designers like Schubert and Bell to decrease that unwanted side-effect. More importantly, when a helmet can be constructed in such a way that it guides more air into the airbox above the driver's head, it may increase engine power, and thus

overall speed. Helmet designers should not forget to incorporate breathholes, helmet ventilation possibilities, space and opening to allow a straw reach the driver's mouth for drinking during the race, and much more...

The helmet of each single F1 driver is custom made to fit the driver's needs. After all, the fit decides not only the comfort, but also the level of protection provided. While a common motorcycle helmet is constructed in three layers - padding, inside and outside shell - a Formula 1 helmet has no fewer than 17 layers. The individual components are a jealously guarded secret - the specialists cannot be persuaded to disclose more than the three main substances: carbon fibre for rigidity, fireproof aramide and polyethylene, which is also used in the production of bullet-proof vests and is intended to make the helmet impenetrable. Added to these are aluminium, magnesium and, as a binding agent, epoxy resin. In Formula 1, the saying goes "what is good for a monocoque also makes good clothing". The carbon fibre compounds (CFC) used mean that the helmets are extremely lightweight at about 1.25kg, but can also withstand considerable punishment. The advantages of a light helmet are clear - it serves to reduce the strain on the driver's neck muscles, especially in track sections with high G forces.

During the production of a helmet, 120 carbon fibre mats are glued together. After that, the helmet is off into the autoclave, where the individual layers are bonded to one another and hardened under high pressure and at a constant temperature of 132°C. Parts subject to exceptional loads, such as the underside and the visor cutout, are additionally reinforced using aluminium and titanium. The interior padding consists of two layers of fireproof Nomex. The ventilation system is designed to allow up to five litres of fresh air to flow into the helmet's interior. A filter cleans the air of the finest motor oil, carbon and brake dust particles. A radio in the chin area provides the means for communication with the pit. Thanks to a tremendous research and development effort, the noise level inside the helmets has been reduced to below 100 decibels.

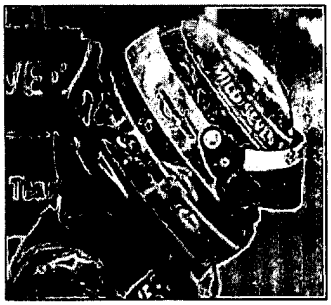
A good view even in the most difficult situations is vital for the drivers. This is provided by the helmet's 3mm thick visor. It is made from fireproof polycarbonate and its inside is extremely easy on the eye. The tinting adjusts within fractions of a second - similar to some sunglasses, only much faster. For instance, at the tunnel entrance in Monaco, the visor brightens up, darkening again in a split second at the tunnel exit, so that the drivers are not blinded. The visor is furthermore heated to prevent Despite Formula 1 taking a break over winter, the visor is heated.

Before the Fédération Internationale de l'Automobile (FIA) grants its approval for a helmet, it has to pass a number of different crash tests. During the so-called 'penetration test' a 3kg, pointed metal object is dropped from a height of three metres onto the helmet, which must remain unruptured. The helmet's secure fit is also tested. Subjected to a load of 38kg, the chin strap may not stretch by more than 30mm. The visor is bombarded with projectiles travelling at approximately 500km/h. The points of impact may be no deeper than 2.5mm. Last but not least, the helmet is subjected to an 800°C flame for 45 seconds in the fire test. During this time, temperatures inside the helmet may not exceed 70° C.

However, when performance does matter, the driver's comfort should be taken very seriously. As the driver's head is close to the engine, a lot of noise comes with driving a Formula One car. Some helmet design factors try to resolve such things to increase the driver's comfort, and make him able to concentrate better. The following illustration shows all important parts of what may become a standard F1 helmet (this helmet is not yet used by any driver in Formula 1 yet, but has been designed by Schubert for Michael Schumacher). The mouthpiece is similar to that of a fighter pilot and will enable Schumacher to breathe as the helmet will be sealed in order to muffle the noise.:

1. Interior Mask
2. Helmet Shell With Interior Battery
3. Silencer Element
4. Bolting Device
5. Titanium Locking Pin
6. Titanium Locking Pin
7. Interior Mask
8. Resonance Muffler
9. Ventilation Connector

Head and Neck Support (HANS) system



Drivers face theoretical deceleration stresses of up to 80 times the force of gravity in an accident. In such a situation, the weight of their head and helmet increases quickly from 7kg to as much as 560kg. HANS would help to absorb this strain, as well as prevent the driver's head from hitting the steering wheel or the front edge of the cockpit. The idea for a neck brace first came about in 1995 following Mika Hakkinen's accident in Adelaide when the Finn's head hit the steering wheel after his car lost control following a tyre deflation and hit the tyre barrier at brewery bend at high speed.

The system was designed at the University of Michigan. Commissioned by the FIA and in co-operation with its inventor Dr. Robert Hubbard, Mercedes-Benz further developed the 1996 version of the head and neck support. In practice, HANS has initially proven successful in the US NASCAR, ChampCar racing series and in the German Touring Car Masters (DTM).

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United States Patent [19]

Hubbard

[11] **Patent Number: 4,638,510**

[45] **Date of Patent: Jan. 27, 1987**

[54] **NECK PROTECTION DEVICE WITH OCCUPANT OF A HIGH PERFORMANCE VEHICLE**

[76] Inventor: **Robert P. Hubbard**, 160 Kenberry, East Lansing, Mich. 48823

[21] Appl. No.: **802,986**

[22] Filed: **Nov. 29, 1985**

[51] **Int. Cl.**[4] **A42B 3/02**; A62B 35/00; B64D 25/06

[52] **U.S. Cl.** ..... **2/6**; 244/122 AG; 280/290; 297/465

[58] **Field of Search** ..... 297/465; 244/122 B, 244/122 AG; 280/290; 2/6, 2, 425, 44, 45, 415, 416, 421

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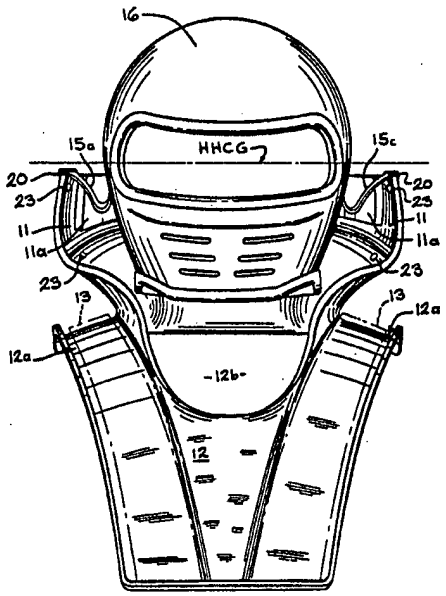
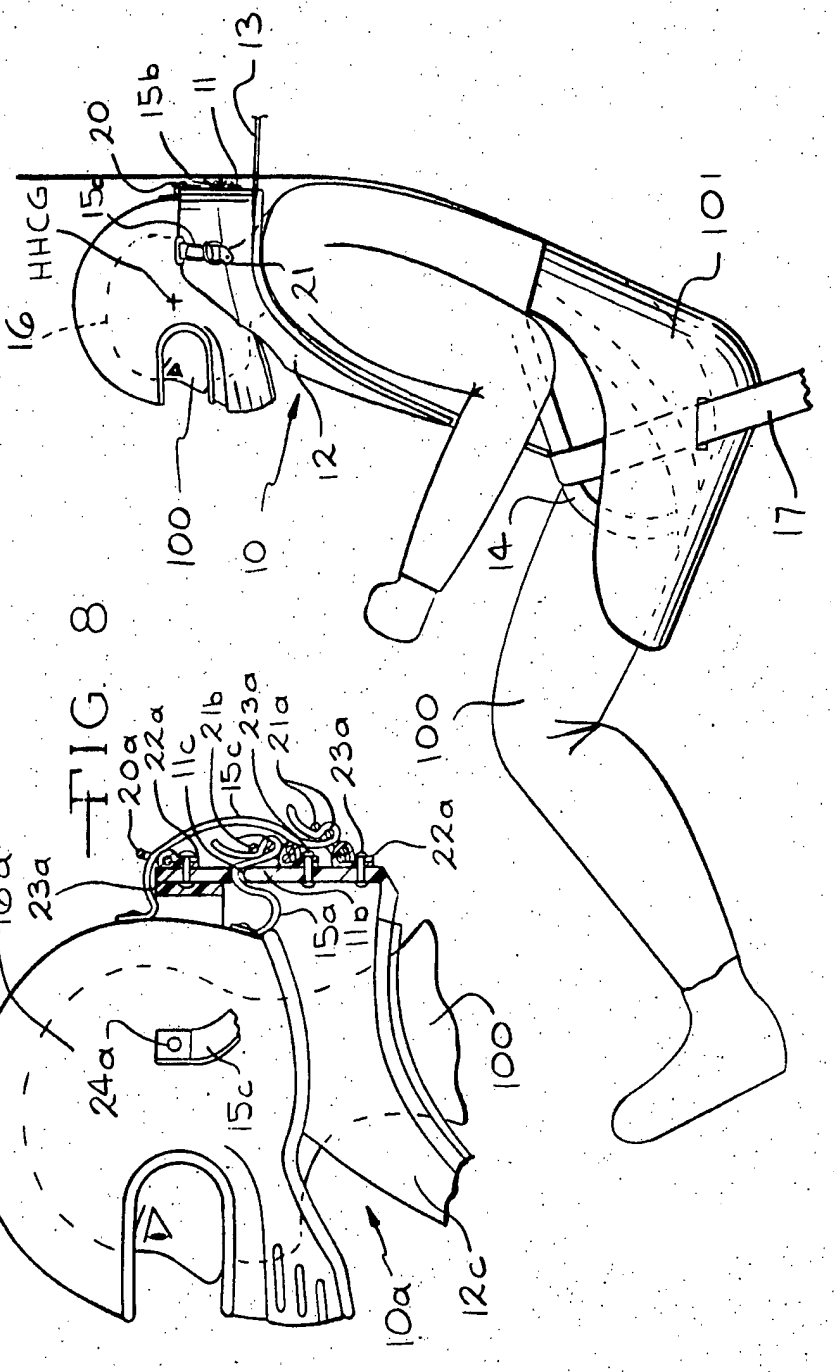
Primary Examiner—Werner H. Schroeder
Assistant Examiner—Andrew M. Falik
Attorney, Agent, or Firm—Ian C. McLeod

[57] **ABSTRACT**

A neck protection device (10)for a driver (10) or other occupant of a high performnace vehicle adapted to reduce motions or loading in the neck and upper torso is described. The device includes in combination a stiff yoke (12) with a high collar (11) extending up from the yoke and a set of tethers (15, 15*a* and 15*b*) for attachment to the lateral and rear portions of a helmet (16) and collar. The high collar extends upward to adjacent the center of gravity of the head and helmet which is at about eye level of the occupant. The tethers on the collar allow needed head movements and yet reduce the potential for fatigue and crash injury by carrying forces which would otherwise be transmitted through the neck and by reducing extreme motions of the neck.

15 Claims, 8 Drawing Figures

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15b
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FIG. 1

20a
22a
11c
21b
15c
23a
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22a
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16a
23a
15a
11b
24a
15c
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10a
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FIG. 8

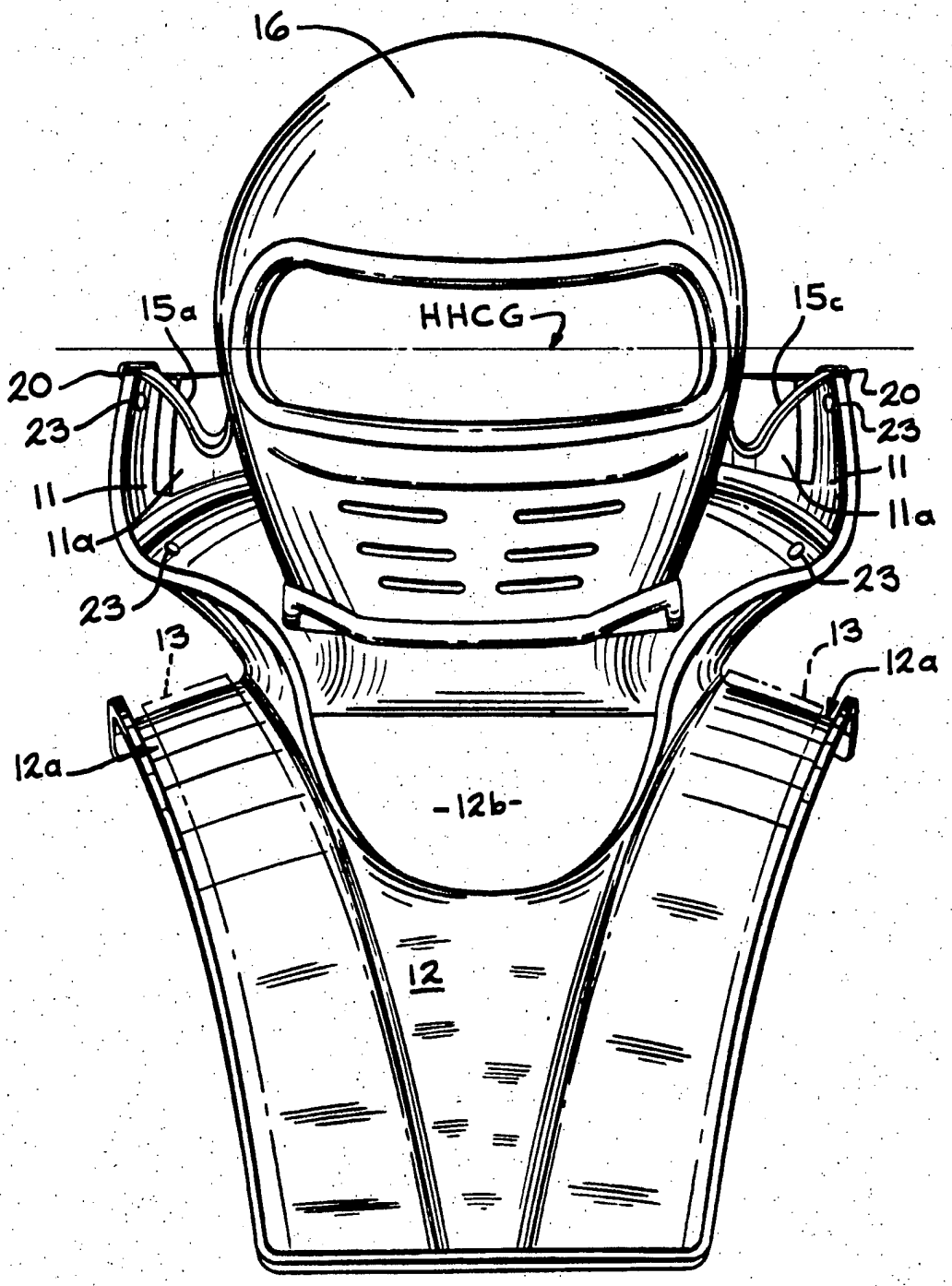
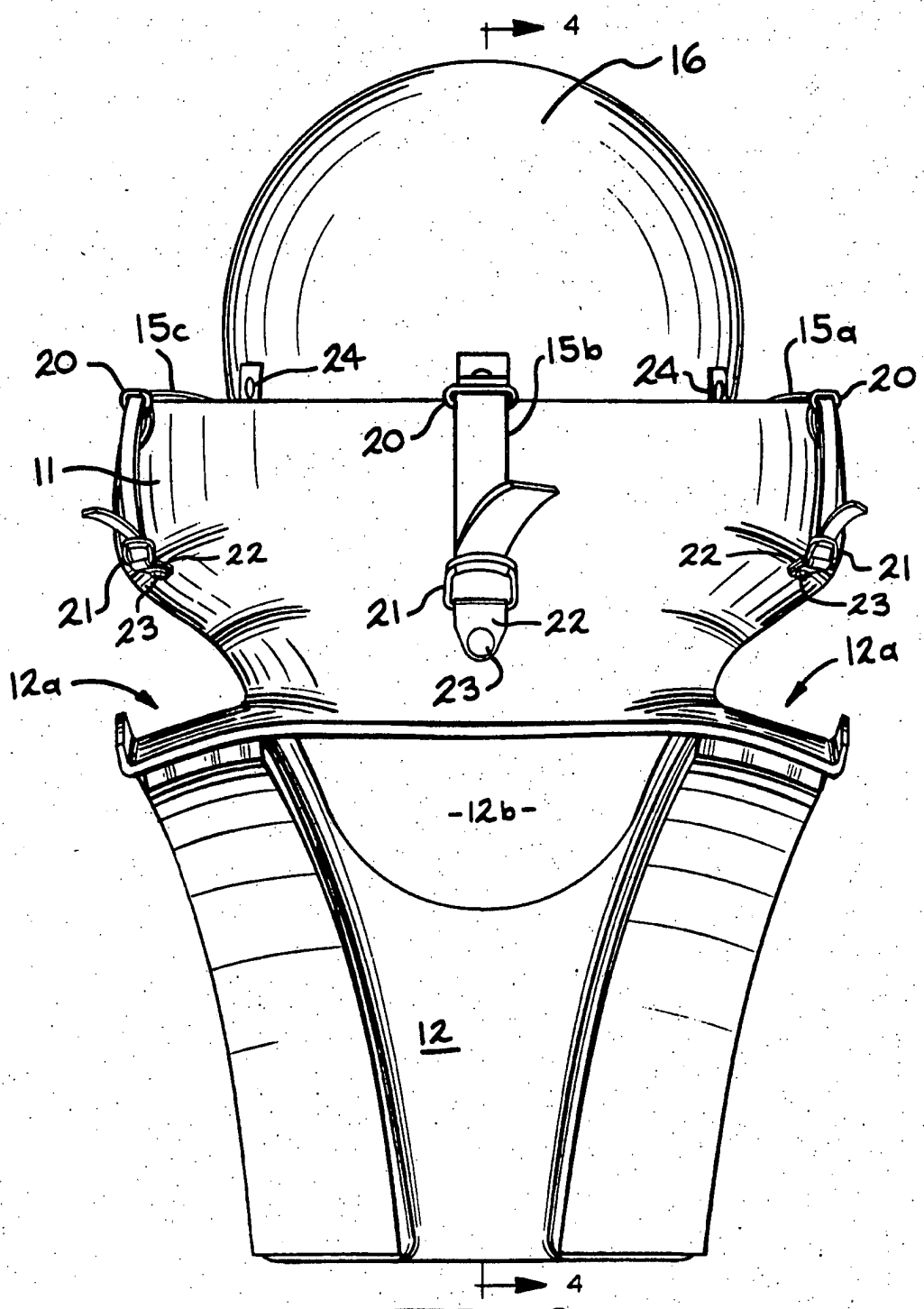


FIG. 2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12a
12a
-12b-
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4

FIG. 3

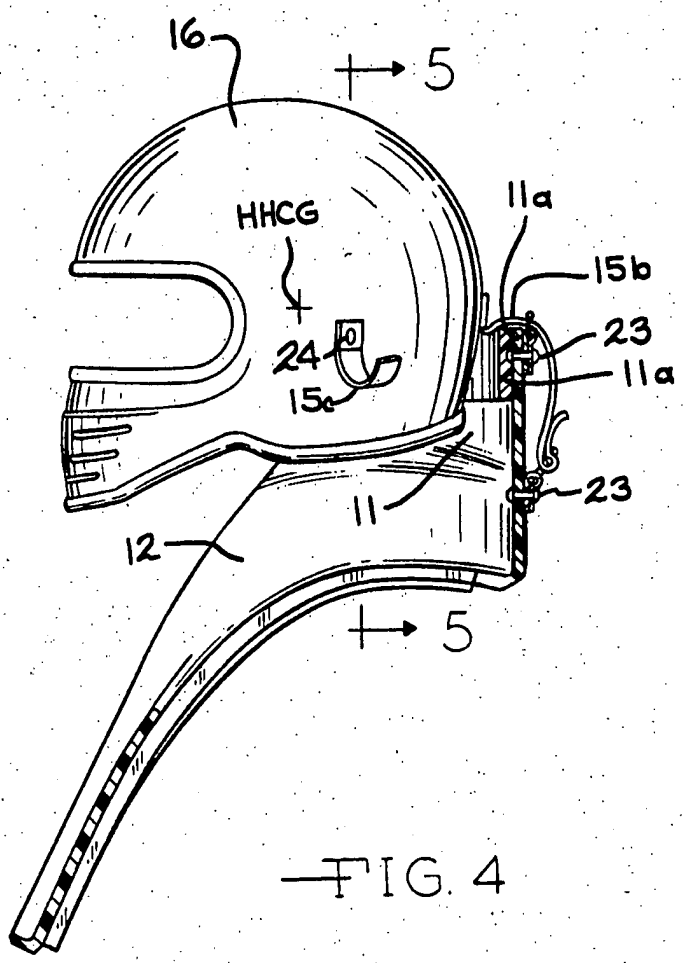
16
5
HHCG
11a
15b
23
24
11a
15c
23
11
12
5

FIG. 4

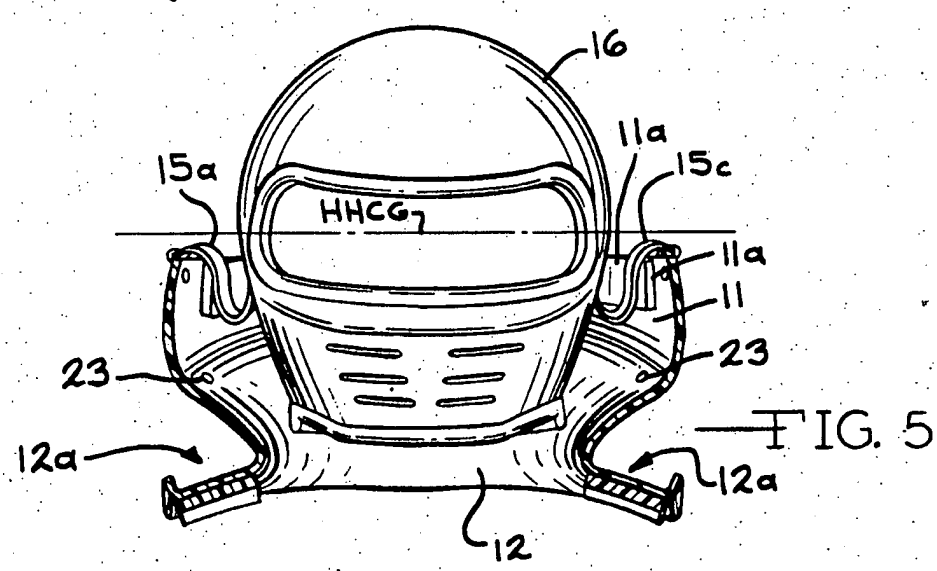
16
11a
15a
15c
HHCG
11a
11
23
23
12a
12a
12

FIG. 5

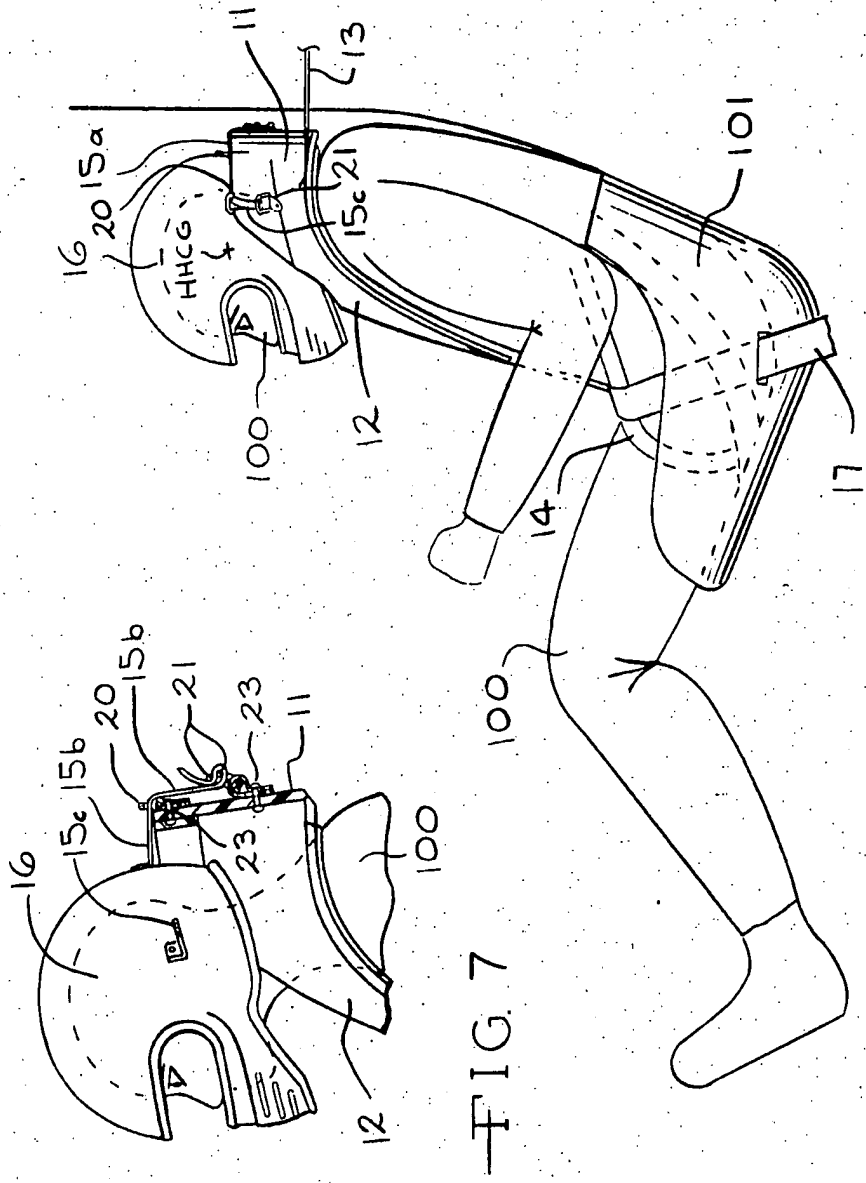
11
13
15a
20
16
HHCG
21
15c
101
100
12
14
17
100

FIG. 6

15b
20
21
23
11
15b
15c
16
23
100
12

FIG. 7

NECK PROTECTION DEVICE WITH OCCUPANT OF A HIGH PERFORMANCE VEHICLE

BACKGROUND OF THE INVENTION

(1) Summary of the Invention

The present invention relates to a neck protection device for use by drivers or other occupants of high performance vehicles including cars, boats and aircraft to reduce fatigue or injury. In particular, the present invention relates to a neck protection device which includes a yoke which fits over the shoulders and chest of the occupant under shoulder harnesses with a high collar on the yoke and with a set of tethers for attachment between the helmet and the collar.

(2) Prior Art

An occupant of a high performance car, plane, or boat commonly wears a helmet for protection from head injury and also wears a shoulder harness which restrains torso movements relative to the seat and vehicle. These vehicles are designed to be light and structurally stiff and to move and change directions rapidly. When the vehicle undergoes accelerations either in normal operation or in a crash, the torso of the occupant is restrained by the seat and harness to move with the vehicle but the helmeted head is commonly unrestrained except by contact with portions of the vehicle or seat. Thus, the loads which constrain the head to move with the torso are transmitted primarily through the neck. Such neck loads lead to fatigue during normal vehicle operation and to injury in a vehicle crash.

Various straps or neck brace structures have been used to transmit loads from the helmeted head to the torso. Such devices reduce neck muscle fatigue and some extreme motions of the neck. They also can contribute to compression, tension, shear, and bending of the neck and aggravate injury potential in a crash.

U.S. Pat. No. 3,278,230 to Boyce et al describes a shell and frame which is individually fitted and worn on the torso of an astronaut or crew of a high performance aircraft. This shell and frame serve as the seat back once it is secured into the aircraft by means of pins. A head rest is mounted to the frame extending upward from the torso shell to behind the head. The head is securely held in the headrest by one strap on either side of the helmet only when these straps are retracted once the restraint system is actuated in an emergency situation. There is no specific description given of the placement of the straps relative to the geometric configuration of the head and helmet. Except for rearward movements of the helmet which are restrained by contact with the headrest, the head and helmet are not restrained under normal vehicle operation but only by retraction of the straps on the reels which must be actuated for system operation.

U.S. Pat. No. 3,900,896 to Ackerman describes a bar which attaches to the rear of a football helmet and extends downward to fit into a cylindrical guide attached to the shoulder pads. This device would allow only movements of the helmet relative to the shoulder pads which are vertical along the axis of the bar and rotational about the axis of the bar; other motions are restrained by the device. The restrained motions are needed for athletic performance or vehicle operation and the motions not restrained by the device could result in potentially fatiguing or injurious loading in the neck.

U.S. Pat. No. 3,873,996 to Varteressian describes a device (similar to that described in U.S. Pat. No. 3,900,896 to Ackerman above) which includes a bar with its upper end attached to the rear of the helmet in a track to allow vertical motion of the bar relative to the helmet within limits of the track and the lower end of the bar attached by a ball and socket to a jacket worn on the torso. Movements of the neck are restrained by the ball-and-socket at the jacket and the slider in the track at the helmet; these restrained neck motions are not those that would naturally occur and they could be irritating to the user. For example, lateral bending of the neck to the right or left must follow the combination of rotations and translations dictated by the center of ball-and-socket joint rather than the motions of the vertebral linkage. If the stops in the ball-and-socket and slider are configured correctly, this design could reduce the potential for injury at the extremes of neck motion.

U.S. Pat. No. 3,925,822 to Sawyer describes a harness with straps on the torso and connected to the helmet to prevent the helmet from leaving the head. The harness straps do not substantially restrain the forward bending of the neck and they could cause potentially injurious compressive and bending loading in the neck under extreme neck motions.

U.S. Pat. No. 3,818,509 to Romo et al describes a strap between a football helmet and shoulder pads which is similar in effect to the harness described in U.S. Pat. No. 3,925,822 to Sawyer above.

U.S. Pat. No. 3,499,681 to Benitez et al describes a device as such: "Columnar support extends upward from the back of the occupant for attachment to the crash helmet." This support is not substantively described.

U.S. Pat. No. 3,134,106 to Shaffer et al describes an attachment of a football player's helmet to the shoulder pads by pin joints on either side of the neck.

Other U.S. patents more distantly related to the present invention include U.S. Pat. No. 1,144,150 to Marcousky; U.S. Pat. No. 3,074,669 to Bohlin; U.S. Pat. No. 3,099,261 to Doss et al; U.S. Pat. No. 3,148,375 to Jones; U.S. Pat. No. 3,329,464 to Barwood et al; U.S. Pat. No. 4,219,193 to Newman; and U.S. Pat. No. 4,319,362 to Ettinger.

Thus, the prior art does contain descriptions of related devices with some of the elements of the present invention including straps to restrain helmet motions and supports between helmet and torso. These prior devices are intended to protect the neck from injury; however they do not address the problem of relative movement of the head in relation to the body in a crash situation.

OBJECTS

It is an object of the present invention to provide a neck protection device which restrains the helmet and head adjacent their center of gravity to protect the occupant's neck from the various forces and motions that are applied while in a high performance vehicle, which would otherwise result in fatigue or injury. Further it is an object of the present invention to provide a device which distributes restraining loads to the upper torso thereby reducing the potential for fatigue and injury. These and other objects will become increasingly apparent by reference to the following description and the drawings.

IN THE DRAWINGS

FIG. 1 is a side view of the neck protection device (10) of the present invention, particularly illustrating a helmet, a partial set of tethers (15, 15*b*) and a high collar on a stiff yoke (12) and also illustrating the position of a driver's body and upper torso restraint harnesses (13) while wearing the neck protection device wherein the tethers are attached to the collar (11), adjacent the head and helmet center of gravity (HHCG).

FIG. 2 is a front view of the neck protection device shown in FIG. 1, particularly illustrating the lateral attachment of tethers (15, 15*a*) to the helmet (16) and high collar (11).

FIG. 3 is a back view of the neck protection device (10) shown in FIG. 1, particularly illustrating the attachment of the tethers (15, 15*a*, 15*b*) to the rear and lateral portions of the high collar (11) and further illustrating the attachment of the tethers to the helmet (16).

FIG. 4 is a side partial cross-sectional view of the neck protection device (10) along line 4—4 of FIG. 3, particularly illustrating the configuration of the collar (11) at the front to allow needed head movement.

FIG. 5 is a front partial sectional view of the neck protection device (10) along line 5—5 of FIG. 4, further illustrating the position of the lateral tethers (15, 15*a*).

FIGS. 6 and 7 show the helmet (16) and head with the rear tether (15*b*) extended when a crash occurs in the front of the vehicle.

FIG. 8 shows an alternative embodiment of the neck protection device (10*a*) wherein dual tethers (15*d*, 15*e*) are attached at the rear portion of the helmet (16) in addition to the other tethers adjacent the HHCG.

GENERAL DESCRIPTION

The present invention relates to a neck protection device for a shoulder and lap belted driver or other occupant of a high performance vehicle having forward and lateral fields of view with a helmet on the head of the occupant and with a horizontal level center of gravity of the head and helmet combined at about eye level of the occupant which comprises: a stiff restraining means or yoke, having lateral, front and rear portions relative to the occupant, which is contoured to fit the rib cage and shoulders and around the neck of the occupant; a stiff high collar mounted on the restraining means including lateral, front and rear portions relative to the occupant which extends upward to adjacent the center of gravity of the head and helmet and adjacent the neck of the occupant around the lateral and rear portions of the restraining means and which is open at the front portion of the restraining means and allows movement of the helmeted head to provide the forward and lateral fields of view; and first fastening means mounted around the collar adjacent the center of gravity of the helmeted head for attaching a plurality of tethers between the lateral and rear portions of the collar and the helmet, wherein in normal vehicle operation or a crash the collar transmits forces to the restraining means from the tethers thereby reducing the forces from being transmitted through the neck which cause fatigue and injury in vehicle operation or in a crash.

The present invention also relates to a helmet for use by an occupant of a high performance vehicle with a neck protection device having a high collar mounted on a restraining means which is contoured to fit the rib cage and shoulders and around the neck of the occupant which comprises: a crash helmet having an outer casing for protecting the head of the occupant of the vehicle having a horizontal level center of gravity of the head and helmet combined at about eye level; and multiple tethers attached to opposite lateral and rear portions of the casing adjacent the center of gravity and having a length for attachment to the high collar of the neck protection device.

The present invention finally relates to a method for providing neck protection of an occupant of a high performance vehicle while wearing a helmet which comprises: providing a stiff restraining means including lateral, front and rear portions relative to the occupant which is contoured to fit the rib cage and shoulders and around the neck of the driver; a stiff high collar mounted on the restraining means, having lateral, front and rear portions relative to the occupant, which extends upward to adjacent a horizontal center of gravity of the head and helmet combined at about eye level of the occupant and adjacent the neck of the occupant around the lateral and rear portions of the restraining means and which is open at the front portion of the restraining means and allows movement of the helmeted head to provide the forward and lateral fields of view; and first fastening means mounted around the collar adjacent the center of gravity of the helmeted head for attaching a plurality of tethers between the lateral and rear portions of the collar and second fastening means on the helmet; providing a helmet with lateral, front and rear portions relative to the occupant on the head of the occupant with second fastening means holding tethers on the lateral and rear portions of the helmet; and connecting the tethers between the collar and the helmet so as to allow movement of the helmet and head relative to the collar, wherein in normal vehicle operation or in a crash the collar transmits forces from the tethers to the restraining means thereby reducing the forces from being transmitted through the neck which cause fatigue and injury in vehicle operation or in a crash.

In the device of the present invention the high collar extends upward from the restraining means or yoke to adjacent the center of gravity of the head and helmet combined. The high collar transmits crash forces to the torso through the restraining means or yoke from the helmet and tethers reducing the forces transmitted through the neck of the driver. The yoke is worn on the front and upper part of the torso preferably with shoulder harnesses over and restraining it, although the yoke could be attached by other means to the torso of the person or the seat of the vehicle. The collar portion is preferably integral with the yoke portion and extends upward on the sides and rear to about the level of the center of gravity of the head and helmet combined. The tethers attach the helmet to the collar and allow needed head movements and restrain the head relative to the torso so that forces in normal vehicle operation or in a crash are carried to the torso through the tethers, collar, and yoke rather than through the neck. Thus, the device reduces the loading of the neck and the potential for neck fatigue and injury.

SPECIFIC DESCRIPTION

Referring to FIG. 1, a neck protection device 10 is shown mounted on driver 100 or other occupant of a vehicle. The neck protection device 10 has a high collar 11 which is integral with a yoke 12. The yoke 12 is contoured and preferably padded to fit the rib cage and shoulders of the occupant 100. A pair of occupant restraints or shoulder harness straps 13 are positioned in

grooves or slots 12*a* on either side of and over the yoke 12 to hold the yoke 12 against the torso of the driver 100. The high collar 11 has a plurality of tethers 15, 15*a* and 15*b* (FIG. 2) attached to helmet 16 and mounted through first guides 20 on the upper edge of the high collar 11 and attached to a second fastening means, such as on dual D-rings 21, on the lower portion of the collar 11. Conventional crotch and lap belts 14 and 17 are provided with the shoulder harnesses 13 to secure the driver 100 to a seat 101. The high collar 11 includes a pad 11*a* to prevent abrasion by the helmet 16.

The tethers 15, 15*a* and 15*b* are made of a relatively stiff material such as nylon or leather. The yoke 12 and collar 11 are made of a high impact resistant plastic material. Preferably the yoke 12 and collar 11 are molded as a complete unit.

The guides 20 and D-rings 21 are held in place by clips 22 and rivets 23 or other attachment means. Rivets 24 or similar attachment means secure the tethers 15, 15*a* and 15*b* to the helmet 16.

As shown in FIG. 6, the high collar 11 transmits forces to the torso from the tethers 15, 15*a* and 15*b* attached to the high collar 11 and helmet 16, otherwise such forces would be transmitted through the neck. The function of the high collar 11 and tethers 15, 15*a* and 15*b* is to provide a structure to transmit forces to the helmet 16 and head which restrain the movement of the head relative to the torso. These restraining forces are in a nearly horizontal plane at or adjacent the level of the center of gravity of the head and helmet 16 (HHCG). The tethers 15, 15*a* and 15*b* have an appropriate length to permit mobility of the head, yet prevent fatiguing and potentially injurious head motions.

The device of the present invention provides a path for forces between the head and torso which is outside of the neck thus restraining motions of the head relative to the torso and reducing neck loading, fatigue, and potential for injury. Also, the device provides distribution of and protection from restraining forces applied to the upper torso by conventional shoulder harnesses 13.

The yoke 12 is worn between the driver's clothing and the restraining shoulder harness 13. Thus, the neck protection device does not require considerable change from current torso restraint practice, only proper placement of harness 13 anchors on the vehicle (not shown). The yoke 12 provides a surface which is contoured and padded to fit to the front of the rib cage and the top of the shoulders, and the yoke 12 distributes the loads of the shoulder harnesses 13 on the torso over a surface which is larger than the harnesses 13 alone, especially where the belts curl as they load on the torso without the yoke 12. The yoke 12 also serves as the base for the collar 11 and transmits the forces to the torso and shoulder harness 13 restraint system from the collar 11 which restrains the head of the occupant 100.

The configuration of the yoke 12 is important to the fit of the invention for a variety of occupants. The head must fit through the opening 12*b* in the yoke 12. The shoulders and inner surfaces of the upper arms must be accommodated without uncomfortable contact with the side of the yoke 12 while the shoulder belts, commonly 3 in. (76 mm.), pass over the front of the chest and top of the shoulders.

The collar 11 provides the attachment for the tethers 15, 15*a* and 15*b* near the HHCG level. The collar 11 transmits forces to the torso from the tethers 15, 15*a* and 15*b* or from direct contact of the collar 11 with the helmet 16. Such forces would otherwise be transmitted through the neck. The collar 11 surrounds the rear and lateral parts of the helmet 16 and neck up to near the level of the HHCG. Sufficient clearance between collar and helmet 16 is provided to allow movement of the head needed for operation of the vehicle.

The length of the tethers 15, 15*a* and 15*b* is sufficient to permit mobility of the head for ingress, egress, and operation of the vehicle. The tethers 15, 15*a* and 15*b* lengths are adjusted to limit motions of the head relative to the torso and to substantially reduce the loading of the neck thus reducing fatigue and potential for injury. While the wearer is in the vehicle with the restraint harness secured over the yoke 12 and torso, the movements of the yoke 12 relative to the torso are limited. With the shoulder harnesses 13 released on entry and exit of the vehicle, the device 10 can move more freely relative to the body and allow easier body movement with the device in place.

FIG. 8 shows an alternative embodiment of neck protection device where the helmet 16*a* is positioned over a yoke 12*c* with collar 11*b* an integral part of the yoke 12*c*. The lateral tethers 15*a* (one shown) are secured to the helmet 16*a* by rivets 24*a*. A rear tether 15*c* is connected to the helmet 16*a* as shown in FIG. 1 with guide 20*a* and D-rings 21*a*. In this embodiment, a second tether 15*d* is provided through a slot 11*c* in the collar 11*b* and secured to the collar 11*b* by a second set of D-rings 21*b*. Rivets 23*a* secure clips 22*a* which hold the guides 20*a* and D-rings 21*a* in place.

OPERATION

As shown in FIGS. 6 and 7 with rearward acceleration (such as in applying the brakes or striking something with the front of the vehicle), the body tends to move forward relative to the vehicle and the torso is restrained by rearward force from the harness 13 and the yoke 12. The head tends to continue moving forward but is restrained to move with the torso by the tethers 15, 15*a* and 15*b*. The tether 15, 15*a* and 15*b* forces restraining the head relieve the neck of head and helmet 16 restraint. Thus, these tether 15, 15*a* and 15*b* forces reduce the fatiguing demands on the neck structure and the potential for injury from the loads that would be present without the device 10, and they protect the wearer from extreme neck motion relative to the torso. The loads from the tethers 15, 15*a* and 15*b* are transmitted through the collar 11 and yoke 12 to the torso and belts 13 of the shoulder harness 13. In rearward vehicle acceleration with forward head motion relative to the torso, the yoke 12 will tend to move forward relative to the vehicle and rotate with the top of the collar 11 moving forward relative to the bottom due to the head/helmet 16 restraining forces. The tendency for the yoke 12 to move forward will be restrained by the harness shoulder belts 13 in much the same way as normally occurs without the device 10 present. The tendency for the top of the device 10 to rotate forward will be restrained by the shoulder harnesses 13 acting downward on the predominately horizontal surface of the yoke 12 portion on top of and to the rear of the shoulders. This constraint of rotation will also reduce the tendency of the front, lower part of the yoke 12 to load the lower part of the rib cage. Thus, as the wearer of the device 10 is accelerated rearward, the head, torso, yoke 12, and associated apparel move forward relative to the vehicle, the torso and yoke 12 are restrained by the shoulder harnesses 13 and the head and helmet 16 are restrained to move with the torso by

the device **10**. The forces to restrain the head and helmet **16** will be predominately carried through the device **10** to the shoulder belts **13**.

In sideways acceleration (such as in striking an object with the side of the vehicle), assume, for the sake of illustration, that the vehicle is accelerated to the left as would occur in turning toward the left or striking an object with right side of the vehicle and that forces and motions are expressed relative to the vehicle. The torso is restrained by the seat **101** and harness **13**. The helmet **16** and head are restrained to accelerate to the left with the torso by tension in the tethers **15**, **15***a* and **15***b* on the left side and by contact with the collar **11** on the right side. The tethers **15**, **15***a* and **15***b* are configured so that with sidewards motion the helmeted head also moves rearward into the collar **11**. In sidewards acceleration, the loads on the collar **11** from the helmeted head tend to rotate the top of the yoke away from the direction of the acceleration (top toward the right in the current example). The yoke **12** tends to move downward onto the right shoulder and upward off of the left shoulder. This tendency to rotate is resisted by the forces between the yoke **12** and the right shoulder and by force between the yoke **12** and the shoulder harness **13** on the left side. The head, helmet **16**, and device **10** also tend to move to the right, and this motion is resisted by the shoulder harnesses **13** on the right and, to some extent, by the belt **13** on the left bearing against the belt retaining grooves **12***a* of the yoke **12** and the contact between the collar **11** and the upper shoulders and neck.

Forward acceleration (as in striking something with the rear of the vehicle) will cause the body to move rearward. The torso loads are resisted by the seat **101**. The head loads are resisted by helmet **16** contact with the collar **11** which comes into contact with the vehicle surface or seat **101** close behind the normal position of the head. Thus, the restraint of the body in forward acceleration is essentially the same as would occur without the device **10**.

Thus the head, helmet, neck and torso accelerations with components in forward, rearward, or sideward directions are restrained as combinations of the mechanical responses described above.

The yoke **12** and collar **11** are constructed so that there is unobstructed lateral and forward fields of view for the driver and other occupants. The forward direction is regarded as the direction the vehicle is traveling. The directions "front", "rear" and "lateral" are all relative to the occupant of the vehicle.

It is intended that the foregoing description be only illustrative of the present invention and that the present invention be limited only by the hereinafter appended claims.

I claim:

1. A neck protection device for a shoulder and lap belted driver or other occupant of a high performance vehicle having forward and lateral fields of view with a helmet on the head of the occupant and with horizontal level center of gravity of the head and helmet combined at about eye level of the occupant which comprises:

(a) a stiff restraining means including lateral, front and rear portions relative to the occupant which is contoured to fit the rib cage and shoulders and around the neck of the occupant;

(b) a stiff high collar mounted on the restraining means, having lateral, front and rear portions relative to the occupant, which extends upward to adjacent the center of gravity of the head and helmet combined and adjacent the neck of the occupant around the lateral and rear portions of the restraining means and which is open at the front portion of the restraining means and allows movement of the helmeted head to provide the forward and lateral fields of view; and

(c) first fastening means mounted around the collar adjacent the center of gravity of the helmeted head for attaching a plurality of tethers between the lateral and rear portions of the collar and the helmet, wherein the tethers provide a restraint which is in a substantially horizontal plane between the helmet and the collar and wherein in normal vehicle operation or in a crash the collar transmits forces to the restraining means from the tethers thereby reducing the forces being transmitted through the neck which cause fatigue and injury in vehicle operation or in a crash.

2. The neck protection device of claim **1** wherein the high collar is integral with the rigid restraining means.

3. The neck protection device of claim **1** wherein the high collar is flared outward from the restraining means to facilitate limited movement of the head and helmet.

4. The neck protection device of claim **1** wherein the restraining means and high collar are integral and constructed of a highly impact resistant plastic material.

5. The neck protection device of claim **1** in combination with the helmet wherein the tethers are adjustably attached to the high collar with the first fastening means and are attached to the helment by a second fastening means.

6. The neck protection device of claim **5** wherein the tethers are riveted to the helmet.

7. The neck protection device of claim **1** wherein the restraining means has grooves which accommodate a shoulder harness.

8. The neck protection device of claim **1** wherein the first fastening means are provided in part on an upper edge of the lateral and rear portions of the collar.

9. The neck protection device of claim **8** wherein there are between three and four tethers, one on each of the lateral portions and between one and two on the rear portions of the collar.

10. A method for providing neck protection of an occupant of a high performance vehicle wearing a helmet which comprises:

(a) providing a stiff restraining means, having lateral, front and rear portions relative to the occupant, which is contoured to fit the rib cage and shoulders and around the neck of the driver; a stiff high collar mounted on the restraining means including lateral, front and rear portions relative to the occupant which extends upward to adjacent a horizontal center of gravity of the head and helmet combined at about eye level of the occupant and adjacent the neck of the occupant around the lateral and rear portions of the restraining means and which is open at the front portion of the restraining means and allows movement of the helmeted head to provide the forward and lateral fields of view; and first fastening means mounted around the collar adjacent the center of gravity of the helmet and head for attaching a plurality of tethers between the lateral and rear portions of the collar and second fastening means on the helmet wherein the tethers provide a restraint which is in a substantially horizontal plane between the helmet and the collar;

(b) providing a helmet with lateral, front and rear portions relative to the occupant on the head of the occupant with second fastening means holding tethers on the lateral and rear portions of the helmet; and

(c) connecting the tethers between the the collar and the helmet so as to allow movement of the helmet and head relative to the collar, wherein in normal vehicle operation or in a crash the collar transmits forces from the tethers to the restraining means thereby reducing the forces from being transmitted through the neck which cause fatigue and injury in vehicle operation or in a crash.

11. The method of claim **10** wherein there are two lateral tethers and between one and two rear tethers which are connected between the helmet and collar.

12. A helmet for use by an occupant of a high performance vehicle wearing a stiff restraining means which is contoured to fit the rib cage and shoulders and around the neck of the occupant with a neck protection device having a high collar mounted on the restraining means wherein the helmet, restraining means and high collar provide a neck protection device which comprises:

(a) a helmet having an outer casing for protecting the head of the occupant of the vehicle having a horizontal level center of gravity of the head and helmet combined at about eye level; and

(b) multiple tethers attached to opposite lateral and rear portions of the casing adjacent the center of gravity and having a length for attachment to the high collar of the neck protection device, wherein the tethers are positioned in a substantially horizontal plane between the helmet and the collar.

13. The helmet of claim **12** wherein the tethers are riveted to the helmet.

14. The helmet of claim **12** wherein there are between three and four tethers, one on each of the opposite lateral portions of the helmet and between one and two on the rear portions of the helmet.

15. The helmet of claim **12** in combination with the neck protection device.

* * * * *

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Mail Date: 04/21/2010

Applicant	: Louis Grace Jr.	: DECISION ON REQUEST FOR
Patent Number	: 7597095	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/690,418	: 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 **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.

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Mail Date: 04/20/2010

Applicant	: Dong Wang	: DECISION ON REQUEST FOR
Patent Number	: 7629932	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/690,427	: 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 **25** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEWIS, RICE & FINGERSH, LC
ATTN: BOX IP DEPT.
500 NORTH BROADWAY
SUITE 2000
ST LOUIS MO 63102

COPY MAILED

SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Pedigo et al. :
Application No. 11/690,493 : DECISION ON PETITION
Filed: March 23, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 102/1417US :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 7, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(3)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Charlema Grant at (571) 272-3215. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3765 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Christina Tartera Donnell

Christina T. Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/690,493	03/23/2007	3765	490	102/1417US	11	3

CONFIRMATION NO. 3855

CORRECTED FILING RECEIPT

OC000000025912000

22822
LEWIS, RICE & FINGERSH, LC
ATTN: BOX IP DEPT.
500 NORTH BROADWAY
SUITE 2000
ST LOUIS, MO 63102

Date Mailed: 09/20/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Rusty Pedigo, Springfield, MO;
Scott Bailes, Springfield, MO;

Power of Attorney: The patent practitioners associated with Customer Number **22822**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/743,698 03/23/2006

Foreign Applications

If Required, Foreign Filing License Granted: 05/01/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/690,493

Projected Publication Date: 12/27/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Odor Protector for a Shin Guard

Preliminary Class

002

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 2006

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Dustin J. Owens, et al. :
Application No. 11/690,496 : DECISION ON PETITION
Filed: March 23, 2007 : TO WITHDRAW
Attorney Docket No. 29167-00002 : 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 23, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

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 undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DARKSIDE TEAM, LLC
1130 JEFFERSON STREET, NW
WASHINGTON, DC 20011

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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HONEYWELL/S&S
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Ronald J. Jensen	: DECISION ON REQUEST FOR
Patent Number	: 7635916	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/690,502	: 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 **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/690,514	03/23/2007	Hajime Tanaka	305983US2SCONT	3888

7590 03/13/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2879	
NOTIFICATION DATE	DELIVERY MODE
03/13/2008	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.

Nimi Farmer

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
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MAR 2 8 2008

OFFICE OF PETITIONS

BAKER BOTTS, LLP
2001 ROSS AVENUE, SUITE 600
DALLAS, TX 75201-2980

In re Application of	:	
CURCIO, Eugene L.	:	
Application No. 11/690,515	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. **405.001A**	:	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 25, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **BAKER BOTTS LLP** has been revoked by the assignee of the patent application on October 31, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **WRIGHT BROWN & CLOSE, LLP**
3 RIVERWAY, SUITE 600
HOUSTON, TX 77056-1948

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF TIM HEADLEY
7941 KATY FWY, SUITE 506
HOUSTON, TX 77024-1924

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APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Eugene L. CURCIO :
Application No. 11/690,515 :
Filed: March 23, 2007 :
Attorney Docket No. **405.003** :

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 21, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Timothy Headley, the sole attorney of record. John T. Headley has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor Eugene L. Curcio at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **EUGENE L. CURCIO**
31372 CEANOTHUS
LAGUNA BEACH, CA 92651

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mehrdad Toofan
1603 Santa Rosa St.
Davis CA 95616

COPY MAILED

JUN 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Toofan :
Application No. 11/690,518 : ON PETITION
Filed: March 23, 2007 :
Attorney Docket No. N/A :
For: SUBCUTANOUS BLOOD VESSELS IMAGING SYSTEM

This is in response to the petition under 37 CFR 1.181, filed January 31, 2008, requesting withdrawal of the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On May 4, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice), which set a two month shortened statutory period to reply. The application became abandoned on July 5, 2007, for failure to submit a timely response to the May 4, 2007 Notice. On January 11, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to non-receipt of the May 4, 2007 Notice. Specifically, petitioner states that the purportedly omitted declaration was mailed to the Office and the May 4, 2007 Notice was not received.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

The Office does not have a record of receiving the declaration. It is noted that the application was filed via EFS on March 23, 2007. Petitioner has established that something was mailed to the Office on March 22, 2007, which is prior to the application being filed. There is nothing linking the declaration to the USPS receipt. Something was delivered to the Office on March 24, 2007, but there is no way to ascertain what it was. It is noted that applicant has a number of patent applications and issued patents. Petitioner has not established that a declaration was mailed to the Office until one was supplied with the present petition.

A review of the record indicates no irregularity in the mailing of the May 4, 2007 Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the May 4, 2007 Notice was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after May 4, 2007, to demonstrate non-receipt of the May 4, 2007. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the May 4, 2007 was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after May 4, 2007 covering the period when he would have received the May 4, 2007.

In the present petition, petitioner did not submit persuasive statements, documentary evidence, and an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the May 4, 2007. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the May 4, 2007 Notice accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$770.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: a copy of the May 4, 2007 Notice

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/690,518	03/23/2007	Mehrdad Toofan	

CONFIRMATION NO. 3895
FORMALITIES LETTER

69516
Mehrdad Toofan
1603 Santa Rosa St.
Davis, CA 95616

Date Mailed: 05/04/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$-115** for a small entity

- **$65** Surcharge.

(A previous payment of **$180** will be applied to the additional fees indicated above.)

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/690,518	03/23/2007	3768	1305		32	4

CONFIRMATION NO. 3895

69516
Mehrdad Toofan
1603 Santa Rosa St.
Davis, CA95616

FILING RECEIPT

Date Mailed: 05/04/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Mehrdad Toofan, Davis, CA;

Assignment For Published Patent Application

Mehrdad Toofan, Davis, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/690,518**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: Yes

** SMALL ENTITY **

Title

Subcutanous Blood Vessels Imaging System

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to

espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mehrdad Toofan
1603 Santa Rosa St.
Davis CA 95616

COPY MAILED
SEP 23 2008

In re Application of
Toofan
Application No. 11/690,518
Filed: March 23, 2007
Attorney Docket No. N/A
For: SUBCUTANOUS BLOOD VESSELS IMAGING SYSTEM

ON PETITION

This decision is mailed in response to the reconsideration petition under 37 CFR 1.181, filed July 25, 2008, requesting withdrawal of the holding of abandonment.

The petition is **GRANTED**.

On May 4, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice), which set a two month shortened statutory period to reply. The application became abandoned on July 5, 2007, for failure to submit a timely response to the May 4, 2007 Notice. On January 11, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to non-receipt of the May 4, 2007 Notice. Specifically, petitioner states that the May 4, 2007 Notice was not received.

A review of the record indicates no irregularity in the mailing of the May 4, 2007 Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

Petitioner has provided some sort of a showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matters. Petitioner has explained his system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. Petitioner has explained how he reminds himself of response due dates and show that the due date for the May 4, 2007 Notice was not entered into that system -- a calendar maintained by petitioner. Petitioner has provided a statement that a search was conducted of the location where the correspondence from the USPTO would have been kept and that the May 4, 2007 Notice was not found.

Petitioner has submitted persuasive statements, documentary evidence, and an explanation of his method for tracking due dates for filing responses to communications from the USPTO to establish that he did not receive the May 4, 2007. Therefore, the petition to withdraw the holding of abandonment is **granted**. Accordingly, the application was not abandoned in fact.

In view of the above, the January 11, 2008 Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Patent Application Processing for consideration of the declaration filed on January 31, 2008 and further pre-examination processing. It is unnecessary to re-mail the May 4, 2007 Notice to File Missing Parts of Nonprovisional Application, as applicant has already responded to it.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Baker Botts L.L.P.
2001 Ross Avenue
Suite 600
Dallas, TX 75201-2980

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FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of
Eugene L. Curcio
Application No. 11/690,543
Filed: March 22, 2007
Attorney Docket No. 405.001B

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 25, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Baker Botts L.L.P. has been revoked by the assignee of the patent application on October 30, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Wright Brown & Close, LLP**
3 Riverway, Suite 600
Houston, TX 77056-1948

UNITED STATES 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 30 2009

OFFICE OF PETITIONS

Law Offices of Tim Headley
7941 Katy Fwy, Suite 506
Houston, TX 77024-1924

In re Application of	:	
Eugene L. Curcio	:	
Application No. 11/690,543	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 405.004	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 17, 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 Timothy Headley on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Eugene L. Curcio at the address indicated below.

There is an outstanding Office action mailed December 9, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Eugene L. Curcio**
31372 Ceanothus
Laguna Beach, CA 92651

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
11/690,543	03/23/2007	Eugene L. Curcio	405.004

CONFIRMATION NO. 3953

66482
Law Offices of Tim Headley
7941 Katy Fwy, Suite 506
Houston, TX 77024-1924

POWER OF ATTORNEY NOTICE

OC000000035222784

Date Mailed: 03/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2008.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/14/09

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: 11690562 Patent No.: 7554491 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 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Douglas K. Owen 2821

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/14/09

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: 11690562 Patent No.: 7554491 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 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

Douglas K. Owen 2821

UNITED STATES PATENT AND TRADEMARK OFFICE

3-29-2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,514,983
Ser. No. : 11/690,575
Inventor(s) : Myron J. Miske
Issued : April 7, 2009

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request 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: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUGAN & DUGAN, PC
55 SOUTH BROADWAY
TARRYTOWN NY 10591

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of:	:	
Samoilov et al.	:	DECISION GRANTING
Application No. 11/690588	:	PETITION UNDER
Filing or 371(c) Date: 03/23/2007	:	37 CFR 1.47(a)
Attorney Docket Number:	:	
10303/FEP/EPI/AG	:	

This Decision is in response to the "Petition for Filing of patent Application When one Joint Inventor Can Not be Found or Refuses to Execute Papers Under 37 C.F.R. § 1.47(a)," filed August 6, 2007. The petition is properly treated as a petition to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See, MPEP 409.03.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Rohini Kodali, cannot be found or reached after diligent effort.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. ROHINI KODALI
19544 VINEYARD LANE
SARATOGA, CA 95070

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of:	:	
Samoilov et al.	:	
Application No. 11/690588	:	LETTER
Filing or 371(c) Date: 03/23/2007	:	
Attorney Docket Number:	:	
10303/FEP/EPI/AG	:	

Dear Mr. Kodali:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: DUGAN & DUGAN, PC
55 SOUTH BROADWAY
TARRYTOWN NY 10591

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DUGAN & DUGAN, PC
245 Saw Mill River Road
Suite 309
Hawthorne NY 10532

MAILED

MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Arkadii V. Samoilov, et al.	:	
Application No. 11/690,588	:	DECISION GRANTING PETITION
Filed: March 23, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10303/FEP/EPI/PJT	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 26, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

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.

Terri Williams
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

DUGAN & DUGAN, PC
245 Saw Mill River Road
Suite 309
Hawthorne, NY 10532

Mail Date: 04/21/2010

Applicant	: ARKADII V. SAMOILOV	: DECISION ON REQUEST FOR
Patent Number	: 7598178	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/690,588	: 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 **27** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

COPY MAILED
AUG 2 5 2008

In re Application of :
Michael Mao Wang :
Application No. 11/690590 :
Filing or 371(c) Date: 03/23/2007 :
Attorney Docket Number: :
060493 : ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed March 19, 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 May 4, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned July 5, 2007. A Notice of Abandonment was mailed January 14, 2008.

Applicant files the present petition and oath/declaration in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

11/25/08

In re Application of:
LASSAR, NOAH et al
Serial No. 11/690,595
Filed: Mar. 23, 2007
Docket: 100202931-2
Title:
METHOD FOR CONNECTION PAD LAYOUTS

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on Nov, 10, 2008 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed Sep. 10, 2008, and that non-elected claims 9-15 be rejoined and examined on the merits. Claims 1-8 were elected and examined and claims 9-15 were withdrawn from consideration due to non-elected invention. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is granted.

In finding petitioner's points of argument persuasive, the requested relief is granted. The restriction requirement mailed on Sep. 10, 2008 is hereby withdrawn. Claims 9-15 will be rejoined with the elected invention. The examiner has been directed to issue an Office action to rejoin and treat the non-elected claims 9-15 on the merits as soon as possible.

The application is being forwarded to the examiner via Supervisory Patent Examiner for further consideration of the amendment filed on Nov. 10, 2008 along with claims 9-15. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Andreas Bock	: DECISION ON REQUEST FOR
Patent Number	: 7592794	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/690,623	: 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 **322** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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2141 WISCONSIN AVE, N.W.
SUITE C-2
WASHINGTON DC 20007

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OFFICE OF PETITIONS

In re Application of :
Bernard Nadel :
Application No. 11/690,630 : DECISION ON PETITION
Filed: March 23, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 4453-2 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2834 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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CARR LLP (IST)
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS, TX 75202

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OFFICE OF PETITIONS

In re Application of :
Justin DYE, et al. :
Application No. 11/690,692 : DECISION ON PETITION TO
Filed: March 23, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **06-004-US2(IST 3433001)** :

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 7, 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 Gregory W. Carr 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 assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **INNOVATIVE SPINAL TECHNOLOGIES**
20 CABOT BOULEVARD, SUITE 300
MANSFIELD, MA 02048

cc: **ECKERT SEAMANS CHERIN & MELLOTT**
600 GRANT STREET, 44TH FLOOR
PITTSBURGH, PA 15219

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Heie Anders	:	DECISION ON PETITION
Application No. 11/690, 706	:	TO WITHDRAW
Filed: March 23, 2007	:	FROM RECORD
Attorney Docket: WILAN-P00511US1	:	

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, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Townsend and Townsend and Crew, LLP was revoked as power of attorney by the assignee of the patent application on March 10, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAR 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Anders Heie et al.	:	
Application No. 11/690,711	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 026199-002400US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 20, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP and all attorneys/agents associated with customer number 20350 have been revoked by the assignee of the patent application on January 14, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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APR 23 2007

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LaRiviere, Grubman & Payne, LLP
P.O. Box 3140
Monterey CA 93942-3140

In re Application of:
TRAN, LE THU
Serial No.: 11/690,736
Filed: March 23, 2007

Title: **METHOD AND APPARATUS FOR IDENTIFYING UNUSED RF CHANNELS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II items 5., 5.1, and 6.2 through 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5 and 5.1 above, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search which is to be provided under section 8(a) is not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/subclasses: 455/ 42, 127.1, 343.1, and 573.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient in section 9(b) because, for each reference cited in the IDS, applicant has not include an identification for all of the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Only 3 out of 34 references cited on the IDS were discussed in detail.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient in section 9(c) because applicant has not provided a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Applicant provided a general allegation that "All of the references identified fail to at least teach or suggest all the elements of the independent claims, Claims 1, 8, and 13, or the respective dependent claims", however, fails to state with any particularity as to which particular clauses (or combination of clauses) are not met by which references. Applicant did provide some specific statements concerning the references of Mason, McGowan, and Patsiokas with respect to some of the claims; however, failed to provided a detailed explanation of patentability in accordance with item 6.3 for each of the cited references with the particularity required by 37 CFR 1.111(b) and (c) for all of the claims. Therefore, applicant must provide a more detailed explanation.

Regarding the requirement in item 6.4: The Accelerated Examination Support Document includes a statement of utility in section 9(d). However, it is deficient because the statement fails to identify each of the independent claims it is in reference to.

Regarding the requirement in item 6.5 above, the Accelerated Examination Support Document is deficient in section 9(e) because applicant has only provided a general allegation that there is support in the disclosure "found at least in figs. 1-4 of the application and accompanying disclosure found therein". As set forth in item 6.5, applicant is required to provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Therefore, applicant must provide a detailed explanation indicating where each limitation of each claim finds support in the specification. Also, applicant has only provided a general allegation that claims 1 and 8 include means-plus-function claim

elements. As set forth in item 6.5, applicant is required to (1) identify each means-plus-function claim element that invokes 35 USC 112, sixth paragraph, and (2) the structure, material, or acts in the specification that corresponds to each means-plus-function claim element.

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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
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LARIVIERE, GRUBMAN & PAYNE, LLP
19 UPPER RAGSDALE DRIVE
SUITE 200
MONTEREY CA 93940

In re Application of:
TRAN, LE THU
Serial No.: 11/690,736
Filed: March 23, 2007

Title: **METHOD AND APPARATUS FOR IDENTIFYING UNUSED RF CHANNELS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed May 23, 2007, which is also a response to the petition decision mailed April 23, 2007. The request for reconsideration filed May 23, 2007 is considered together with the original petition filed March 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

PERTINENT BACKGROUND INFORMATION

The petition decision mailed April 23, 2007 set forth that the originally filed petition failed to comply with conditions set forth under section II. items 5., 5.1, and 6.2 through 6.5 above.

The requirements in section II, items 6.2 and 6.3 have not been met by the May 23, 2007 Amended Accelerated Examination Support Document. As set forth in the decision mailed April 23, 2007, sections 9(B) and 9(C) failed to specify for each reference cited in the IDS, an identification for all of the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Only 3 out of 34 references cited on the IDS were discussed in detail. Also, the decision indicated a failure to provide a detailed explanation of how each of the claims are patentable over **each** of the references cited with the particularity required by 37 CFR 1.111(b) and (c) (emphasis added). A review of the Amended Accelerated Examination Support Document filed May 23, 2007 finds that section 9(A) states that an Information Disclosure Statement "has been filed herewith citing each of the following references deemed most closely related to the subject matter of the claims". Applicant then provides a listing of three references that were already discussed in the original Support Document: Mason, McGowan, and Patsiokas. While applicant has provided necessary details in accordance with items 6.2 and 6.3 for the three references cited in section 9(A), there remains the fact that the previously cited references on the originally filed IDS have not been further discussed in items 9(B) or 9(C), as required in the decision mailed April 23, 2007. Accordingly, the Accelerated Examination Support Document remains deficient. In accordance with items 6.2 and 6.3 above, the necessary detailed discussions must be in regard to **each** cited reference.

The requirements in section II, items 5., 5.1, 6.4 and 6.5 have been met.

DECISION

Accordingly, the petition taken together with the request for reconsideration is **denied**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
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LaRiviere, Grubman & Payne, LLP
P.O. Box 3140
Monterey CA 93942-3140

In re Application of:
EVERETT, RUSTY et al.
Serial No.: 11/690,747
Filed: March 23, 2007

Title: **FM TRANSMITTER FOR AN MP3 PLAYER**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II items 5., 5.1, and 6.1 through 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5 and 5.1 above, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search which is to be provided under section 8(a) is not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/subclasses: 455/ 42, 127.1, 343.1, 573, and 569.2.

Regarding the requirement of item 6.1, the Information Disclosure Statement (IDS) does not list the following references which were identified in regard to item 9(A):

"Installation and Operation Instructions for the DLO TransPodtm", Netlog, Inc., 2 pages.
"About TransPod for iPod," DevDepot, 4/10/03, 2 pages.
"1070-POD - Griffin Powered - iPod Car Adapter/Charger," Ahem, 4/10/03, 2 pages.
"FM Transmitter for iPod," ClubMac - The Online Mac Catalog, 3/7/03, 1 page.
"iPod Accessories," DevDepot, 4/10/04, 3 pages.
"All about iPod Connection Kit w/FM Transmitter," DevDepot, 4/10/03, 2 pages.

A supplemental IDS listing all of the prior art which was not previously listed should be provided.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient in section 9(B) because, for each reference cited in the IDS, applicant has not include an identification for all of the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Only 6 out of 34 references cited on the IDS were discussed in detail.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient in section 9(C) because applicant has not provided a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Applicant provided a general allegation that "All of the references identified fail to at least teach or suggest all the elements of the independent claims, Claims 1, 9, and 10, or the respective dependent claims", however, fails to state with any particularity as to which particular clauses (or combination of clauses) are not met by which references. Applicant did provide some specific statements concerning the references of Drakoulis, Johnson, Michels,

Koga, Grady, and Tse Chun Hin with respect to some of the claims; however, failed to provided a detailed explanation of patentability in accordance with item 6.3 for each of the cited references with the particularity required by 37 CFR 1.111(b) and (c) for all of the claims. Therefore, applicant must provide a more detailed explanation.

Regarding the requirement in item 6.4: The Accelerated Examination Support Document includes a statement of utility in section 9(D). However, it is deficient because the statement fails to identify each of the independent claims it is in reference to.

Regarding the requirement in item 6.5 above, the Accelerated Examination Support Document is deficient in section 9(e) because applicant has only provided a general allegation that there is support in the disclosure "found at least in figs. 1-5 of the application and accompanying disclosure found therein". As set forth in item 6.5, applicant is required to provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Therefore, applicant must provide a detailed explanation indicating where each limitation of each claim finds support in the specification.

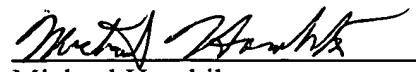
DECISION

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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.



Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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LARIVIERE, GRUBMAN & PAYNE, LLP
19 UPPER RAGSDALE DRIVE
SUITE 200
MONTEREY CA 93940

MAIL

JUN 21 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
EVERETT, RUSTY et al
Serial No.: 11/690,747
Filed: March 23, 2007

Title: **FM TRANSMITTER FOR AN MP3 PLAYER**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed May 23, 2007, which is also a response to the petition decision mailed April 23, 2007. The request for reconsideration filed May 23, 2007 is considered together with the original petition filed March 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

PERTINENT BACKGROUND INFORMATION

The petition decision mailed April 23, 2007 set forth that the originally filed petition failed to comply with conditions set forth under section II. items 5., 5.1, and 6.1 through 6.5 above.

The requirement in section II, item 6.1 has not been met by the May 23, 207 Amended Accelerated Examination Support Document. As set forth in the decision mailed April 23, 2007,

> the Information Disclosure Statement (IDS) does not list the following references which were identified in regard to item 9(A):
>
> "Installation and Operation Instructions for the DLO TransPodtm", Netlog, Inc., 2 pages.
> "About TransPod for iPod," DevDepot, 4/10/03, 2 pages.
> "1070-POD - Griffin Powered - iPod Car Adapter/Charger," Ahem, 4/10/03, 2 pages.
> "FM Transmitter for iPod," ClubMac - The Online Mac Catalog, 3/7/03, 1 page.
> "iPod Accessories," DevDepot, 4/10/04, 3 pages.
> "All about iPod Connection Kit w/FM Transmitter," DevDepot, 4/10/03, 2 pages.
>
> A supplemental IDS listing all of the prior art which was not previously listed should be provided.

A review of the supplemental IDS filed May 23, 2007 shows only one reference cited, Drakoulis, which was already cited in the original IDS filed March 23, 2007. Accordingly, the Accelerated Examination Support Document remains deficient.

The requirements in section II, items 6.2 and 6.3 have not been met by the May 23, 2007 Amended Accelerated Examination Support Document. As set forth in the decision mailed April 23, 2007, sections 9(B) and 9(C) failed to specify for each reference cited in the IDS, an identification for all of the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Only 6 out of 34 references cited on the IDS were discussed in detail. Also, the decision indicated a failure to provide a detailed explanation of how each of the claims are patentable over **each** of the references cited with the particularity required by 37 CFR 1.111(b) and (c) (emphasis added). A review of the Amended Accelerated Examination Support Document filed May 23, 2007 finds that section 9(A) states that an Information Disclosure Statement "has been filed herewith citing each of the following references deemed most closely related to the subject matter of the claims". Applicant then provides a listing of only one reference that was already discussed in the original Support Document: Drakoulis. While applicant has provided necessary details in accordance with items 6.2 and 6.3 for the lone reference cited in section 9(A), there remains the fact that the previously cited references on the originally filed IDS as well as the previously mentioned references that

were identified in the original Support Document but not cited on an IDS have not been further discussed in items 9(B) or 9(C), as required in the decision mailed April 23, 2007. Accordingly, the Accelerated Examination Support Document remains deficient. In accordance with items 6.2 and 6.3 above, the necessary detailed discussions must be in regard to **each** cited reference.

The requirements in section II, items 5., 5.1, 6.4 and 6.5 have been met.

DECISION

Accordingly, the petition taken together with the request for reconsideration is **denied**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

MAILED
JUL 23 2010
OFFICE OF PETITIONS

In re Application of :
Soonki WOO :
Application No. 11/690,753 : DECISION GRANTING PETITION
Filed: March 23, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **59515/S1170** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 19, 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 21, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1795 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment of the application.*

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SCOTT T. GRIGGS
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

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DEC 0 4 2009

OFFICE OF PETITIONS

In re Application of :
W. Dale Foster et al. :
Application No. 11/690,779 : DECISION ON PETITION
Filed: March 23, 2007 : TO WITHDRAW
Attorney Docket No. CELA01-00002(1043.1001) : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed August 17, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 31814 has been revoked by the assignee of the patent application on October 27, 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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: DOCKET CLERK
P.O. DRAWER 800889
DALLAS TX 75380

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THOMAS F. LENIHAN
TEKTRONIX, INC.
14150 S. W. KARL BRAUN DRIVE
P.O. BOX 500 (50-LAW)
BEAVERTON OR 97077-0001

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AUG 1 1 2008

ON PETITION

In re Application of
John J. Pickerd, et al.
Application No. 11/690,797
Filed: March 23, 2007
Attorney Docket No. 8061-US

This is a decision on the petition under 37 CFR 1.313(a), filed August 6, 2008, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of an IDS filed on August 6, 2008.

37 CFR 1.313(a) states, in part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of $130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to Terri Williams at (571) 272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11690797 Total Records Found: 8

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/07/2008	00009378	4	1464	$130.00	08/06/2008	DA 200352
08/07/2008	00009379	4	1806	$180.00	08/06/2008	DA 200352
05/31/2007	00004978	4	1051	$130.00	05/30/2007	DA 200352
03/26/2007	00003157	4	1011	$300.00	03/23/2007	DA 200352
03/26/2007	00003158	4	1111	$500.00	03/23/2007	DA 200352
03/26/2007	00003159	4	1311	$200.00	03/23/2007	DA 200352
03/26/2007	00003160	4	1202	$200.00	03/23/2007	DA 200352
03/26/2007	00003161	4	1051	$130.00	03/23/2007	DA 200352

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P.O. BOX 2516
ALEXANDRIA, VA 22301

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JUN 0 5 2008

OFFICE OF PETITIONS

In re Application of Warner :
Application No. 11/690,801 : Decision on Petition
Filing Date: March 23, 2007 :
Attorney Docket No. ERV-PAT-001 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 13, 2008, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Corrected Application Papers on May 11, 2007. The Notice set a two-month period of time for reply. Petitioner did not file a reply. As a result, the application became abandoned on July 12, 2007. A Notice of Abandonment was mailed January 29, 2008.

The instant petition requests revival of the application. The instant petition includes, or is accompanied by, the following:

(1) Payment of $770 for the petition fee,
(2) Corrected Application Papers, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has satisfied the requirements of 37 CFR 1.137(b) and the application is hereby revived.

The Office of Patent Application Processing will be informed of the instant decision and the application will be prepared for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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JACKSON & CO., LLP
6114 LA SALLE AVENUE
#507
OAKLAND, CA 94611-2802

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FEB 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Corneliu FLOREA,et al	:	
Application No. 11/690,836	:	DECISION ON PETITION
Filed: March 25, 2007	:	TO WITHDRAW
Attorney Docket No. FN190	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 17, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Jackson & Co., LLP, has been revoked by the assignee of the patent application on November 27, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: FOTONATION
IP DEPT.
800 AIRPORT BLVD.
SUITE 522
BURLINGAME, CA 94010

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MOLDETK PRECISION CORP
PO BOX 108-00403
TAIPEI 106 TW TAIWAN

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MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Lien-Hsin Lee :
Application No. 11/690,858 : ON PETITION
Filed: March 26, 2007 :
Title: Sports Cap :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 21, 2008.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed August 1, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 2, 2007. The Office mailed a Notice of Abandonment on February 22, 2008.

To establish non-receipt of an Office action, a petitioner:

> must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

On petition, petitioner explains that he has submitted a copy of a mail log showing all incoming correspondence during the period from August 1, 2007 to December 1, 2007. However, as set forth above, petitioner should submit a copy of a master docket report showing all replies docketed for a due date of November 1, 2007. If no such master docket report exists, petitioner should so state for the record. In addition, it is noted that the mail log submitted on petition is not in English. Petitioner should submit a translated copy on renewed petition.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37

---

[1] MPEP 711.03(c).

CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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PO BOX 108-00403
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MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
Lien-Hsin Lee :
Application No. 11/690,858 : ON PETITION
Filed: March 26, 2007 :
Title: Sports Cap :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 8, 2009.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed August 1, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 2, 2007. The Office mailed a Notice of Abandonment on February 22, 2008. Applicant filed a petition to withdraw the holding of abandonment on November 21, 2008. However, the petition was dismissed in a decision mailed on March 2, 2009.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Petitioner has not met requirement (1) above. Petitioner has not submitted a reply to the August 1, 2007 Office action. A copy of the Office action is enclosed for petitioner's convenience.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: August 1, 2007 Office action (5 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/690,858	03/26/2007	Lien-Hsin Lee		4656

63549 7590 08/01/2007

MOLDETK PRECISION CORP.
P.O. BOX 108-00403
TAIPEI 106,
TAIWAN

EXAMINER	
CLINE, SALLY COLSON	

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
08/01/2007	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.

ED

Office Action Summary	Application No.	Applicant(s)	
	11/690,858	LEE, LIEN-HSIN	
	Examiner	Art Unit	
	Sally Colson Cline	3765	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-6* is/are rejected.

7)☒ Claim(s) *3* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo (USAN 2004/0117894) in view of Tate (USPN 6,170,088).

As to claim 1, Kuo discloses a sports cap (10) with a crown (12) and visor that extends outward from the bottom edge of the crown. The visor has an intermediate support layer (11) that maintains the visor's shape and has a top and bottom and multiple recesses (13) on the topside. A positioning block (18) is fitted into one recess of the intermediate support layer with a center insertion hole. Kuo does not expressly disclose a top, bottom and lining layer. It is old and well known in the art of baseball caps to provide a visor with a top and bottom fabric layer surrounding an intermediate layer. Tate teaches a similar invention (54), including a top (52), bottom (53), and lining (55) layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the visor of Kuo with the top and bottom layers of Tate for the purpose of protecting the intermediate layer from fraying and sun and water damage.

As to claim 2, Kuo in view of Tate discloses a decorative item fastened to the visor having a head (16) and stem (17) extending from the head and inserted through

the top layer into the center insertion hole of the positioning block in one recess of the intermediate support layer.

As to claim 4, Kuo discloses the decorative item and positioning block are magnetic and ferrous.

As to claim 5, Kuo discloses the head of the decorative item is a magnetic member for securing a golf counter (19) by means of magnetic attraction.

As to claim 6, Kuo discloses the intermediate support layer has a positioning hole in each of the recesses for the location of the stem of a decorative item.

Allowable Subject Matter

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fox et al. (USPN 5,351,949), Tate (USPN's 5,996,116 and 6,163,889), Adams (USPN 6,457,184), Chase (USPN 3,462,862).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Colson Cline whose telephone number is 571-272-6731. The examiner can normally be reached on 830AM - 5PM EST, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sally Colson Cline

Sally Colson Cline
Examiner
Art Unit 3765

scc

KATHERINE MORAN
PRIMARY EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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AUG 14 2009

OFFICE OF PETITIONS

MOLDETK PRECISION CORP
PO BOX 108-00403
TAIPEI 106 TW TAIWAN

In re Application of :
Lien-Hsin Lee :
Application No. 11/690,858 : ON PETITION
Filed: March 26, 2007 :
Title: Sports Cap :

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed July 10, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed August 1, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 2, 2007. The Office mailed a Notice of Abandonment on February 22, 2008. Applicant filed a petition to withdraw the holding of abandonment on November 21, 2008. However, the petition was dismissed in a decision mailed on March 2, 2009. Applicant filed a petition to revive under 37 CFR 1.137(b) on April 8, 2009. However, the petition was dismissed in a decision mailed on May 11, 2009. The petition was dismissed because applicant did not submit a reply to the August 1, 2007 Office action.

With the instant petition, applicant has filed an Amendment. The other requirements for a grantable petition have been previously satisfied.

The application is being forwarded to Group Art Unit 3765 for consideration of the Amendment, filed July 10, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/690,896	03/26/2007	Toshinobu Maeda	20708/0206375-US0	4738

7590 01/27/2010

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

EXAMINER	
MANCHO, RONNIE M	
ART UNIT	PAPER NUMBER
3664	
MAIL DATE	DELIVERY MODE
01/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
01/28/2010 3038079411

Credit Card Refund Total: $530.00

AE Exp...: XXXXXXXXXXX1007

Adjustment date: 01/28/2010 NFARMER
03/26/2007 INTEFSW 00001738 11690896
02 FC:1111 -500.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/690,901	03/26/2007	Takashi Enomoto	306013US2S CONT	4747

7590 03/11/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
PATEL, NIMESHKUMAR D	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
03/11/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of :

DALAL, Roger :
Application No. 11/690,930 : DECISION ON PETITION
Filed: March 26, 2007 : TO WITHDRAW
Attorney Docket No. **3048.001** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by William Cuchlinski on behalf of all attorneys of record who are associated with customer No. 21917. All attorneys/agents associated with the Customer No. 21917 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Roger Dalal at the address indicated below. There is an outstanding Office action mailed January 25, 2005 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: **ROGER DALAL**
2592 SW BRIDGEVIEW TERRACE
PALM CITY FL 34990

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United States Patent and Trademark Office
P.O. Box 1450
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MAIL

MAY 09 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LEE, HONG, DEGERMAN, KANG & SCHMADEKA
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of
YOU, HYAUNG-SIC, et al.
Application No. 11/690,949
Filed: March 26, 2007
Attorney Docket No. 2060-3413

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 May 2, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

COPY MAILED

JUL 24 2007

OFFICE OF PETITIONS

In re Application of :
Wu et al. : ON PETITION
Application No. 11/690,960 :
Filed: March 26, 2007 :
Atty Docket No. J&J5170USCNT1 :

This is in response to the "PETITION UNDER 37 CFR 1.57(a) TO ADD INADVERTENTLY OMITTED MATERIAL TO A NONPROVISIONAL APPLICATION" filed June 4, 2007, requesting that the above-referenced application be accorded a filing date of March 26, 2007. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on March 26, 2007. However, on May 14, 2007, the Office of Initial Patent Examination mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55[2] to

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

[2] A claim under 37 CFR 1.78 is of record.

co-pending application No. 11/409,454 ('454 application) and incorporates by reference the '454 application. Applicants state that the drawing pages are identical to the ten (10) drawing pages filed with the '454 application and submit a copy of the drawing pages. However, applicants did not submit an amendment to add the inadvertently omitted drawings as required by 37 CFR 1.57(a)(or 37 CFR 1.182 to amend the application based on the incorporation by reference of the prior application).

Petitioner's arguments and evidence have been considered. However, it is controlling that a review of the application confirms that as filed the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required[3]. **However, an amendment to include the inadvertently omitted drawings should be filed prior to the first Office action on the merits to avoid delay in prosecution.** The amendment to include the inadvertently omitted drawings will be considered by the examiner.

To the extent the instant petition requests a filing date of March 26, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee will be charged to counsel's Deposit Account.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for:

- **according of a filing date of March 26, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

Charles Pearson
Director
Office of Petitions

[3] See 37 CFR 1.57(a)(3) which provides that: 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 is otherwise entitled to a filing date.

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THE LAW OFFICE OF RICHARD S ERBE
P.O. BOX 418
5380 SENECA PLACE
SIMI VALLEY CA 93062

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of :
John E. Bennett :
Application No. 11/690,980 : DECISION ON PETITION
Filed: March 26, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. P07BNETT-0306 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 14, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3611 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/690,991	03/26/2007	Shinichiro Arakawa	306072US2	4922

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.

Patent Publication Branch
Office of Data Management

Adjustment date: 02/23/2009 RPOWELL
03/26/2007 IHTEFSW 00002130 11690991
02 FC:1111 -500.00 OP

Refund Ref:
02/23/2009 0030066939

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

Adjustment date: 02/23/2009 BPOWELL
03726/2007 INTEFSW 00002130 11690991
02 FC:1111 -500.00 OP

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

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MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of Islam et al. :
Application No. 11/691,012 : Decision on Petition
Filing Date: March 26, 2007 :
Attorney Docket No. 069204.0259 :

This is a decision on the petition under 37 CFR 1.137(a), filed November 13, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

Background

On August 21, 2007, the Office sent petitioner email notification of the issuance of a non-final Office action. The Office action set a three-month shortened statutory period for reply.

On August 22, 2007, a firm employee read the email, reviewed the application in Private Pair, and downloaded a Notice of Publication that had been mailed on August 17, 2007. The petition states the employee did not download the non-final Office action.

The petition indicates, as a result of the Office action not being downloaded, the Office action was not docketed.

The Office issued a Notice with respect to the email pilot program on January 16, 2007.[1] The Notice stated,

> If none of the documents in each of the applications listed in the email notifications are viewed or downloaded through Private PAIR within seven calendar days after the emails are sent, a courtesy postcard notifying the applicant of the availability of [the] electronic

[1] "Electronic Notification of Outgoing Correspondence (e-Office action)," 1314 Off. Gaz. Pat. Office 1321.

> Office action will be mailed to the correspondence address associated with the applicant's corresponding Customer Number for each of those applications.

Since the application was reviewed in PAIR within 7 days of issuance of the email, a postcard was not mailed to petitioner.

The Office did not receive a reply to the August 21, 2007 Office action or a request for an extension of time. The application became abandoned on November 22, 2007. A Notice of Abandonment was issued September 22, 2008.

Discussion

A grantable petition under 37 CFR 1.137(a) must be accompanied a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. In this case, the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

A delay resulting from a docketing error on the part of an employee in the performance of a clerical function can provide the basis for a showing of "unavoidable" delay, provided it is shown that:

(1) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care; and

(2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance.

See MPEP 711.03(c)(III)(C)(2).

As to item (1), the petition states the employee's supervisor has 6 years of experience but fails to include any discussion of the employee's work experience. The petition also fails to include any information regarding the employee's training, the degree of supervision of his or her work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

As to item (2), the Office notes the Document Description part of PAIR includes *eight* different entries for documents dated August 21, 2007. These eight documents consisted of the non-final Office action and attachments. The Document Description contained *one* entry for August 17, 2007. The probability of any employee failing to identify and download any of the eight entries for August 21, 2007, while identifying and downloading the one entry for August 17, 2007, is minimal. The January 16, 2007 Notice discussing the email pilot program stated, with emphasis added,

> Each email notification will list all applications, associated with the corresponding Customer Number, in which new outgoing correspondence was prepared for the corresponding electronic application files within the preceding 24 hours.... The new

outgoing correspondence will become available for viewing and downloading through Private PAIR *within two business days* of the date of the email notification.

Based only on the current record, the Office notes the error may have arisen as a result of the employee not being trained to know the correspondence cited in an email might not show up in PAIR on the date the email was sent or the next day. If the employee lacked such knowledge and believed an email was only sent if the document at issue was already in PAIR, the employee *may* have been reasonable in assuming the email was referring to the August 17, 2007 Notice of Publication. Any request for reconsideration should include a discussion of the employee's training.

The instant petition is also problematic because it discusses the actions of an employee without including a statement by a person with first-hand knowledge of the events at issue - the employee. Any request for reconsideration should include a statement from the employee. If a statement by the employee cannot be obtained, the request for reconsideration should include a statement by the employee's supervisor.

The petition is accompanied by a copy of a "PTOL-90A" form that accompanied the non-final Office action. The top of the form includes a stamp in large capital letters stating, "DOCKETED." The page also includes a stamp that appears to indicate the matter was docketed, placed in the firm's file wrapper for the application, and "RVF" docketed. The form also includes the handwritten phrase, "Amendment Due: November 21, 2007." Any request for reconsideration should include a discussion of the stamps and handwritten language on the form.

For the preceding reasons, the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 CFR 1.137(a) and the petition cannot be granted.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A copy of a PFD "fillable" petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

Unless filed by EFS web, further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
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In re Application of	:	
Mohammed N. Islam, et al.	:	
Application No. 11/691,012	:	DECISION ON PETITION
Filed: March 26, 2007	:	
Attorney Docket No. 069204.0259	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 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, August 21, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 22, 2007. The Notice of Abandonment was mailed September 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,175 extension of time fee submitted with the petition on November 13, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3663 for appropriate action by the Examiner in the normal course of business on the reply received

Terri Johnson
Petitions Examiner
Office of Petitions

Electronic Patent Application Fee Transmittal

Application Number:	11691012
Filing Date:	26-Mar-2007
Title of Invention:	System and Method for Managing System Margin
First Named Inventor/Applicant Name:	Mohammed N. Islam
Filer:	Keiko Ichiye/Glenda Orrantia
Attorney Docket Number:	069204.0259

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:			Adjustment date: 11/09/2009 CKHLOK 11714/2008 INTEFSW 00001203 020384 11691012 02 FC:2255 1175.00 CK	
Petition-revive unavoid. abandoned appl	2452	1	270	270
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 5 months with $0 paid	2255	1	1175	1175
Miscellaneous:				
		Total in USD ($)		**1445**

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	11/06/09	2 Serial/Patent #	11/691,012

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
X	Extension of Time		11/13/08	$ 1,175.00
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
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7 TOTAL AMOUNT OF REFUND	$ 1,175.00

8 TO BE REFUNDED BY:

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10 REASON:

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	Duplicate Payment
X	No Fee Due (Explanation): x

THE EXTENSION OF TIME IS UNNECESSARY.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Terri Johnson TITLE: Paralegal Specialist

SIGNATURE: Terri Johnson PHONE: (571) 272-2991

OFFICE: Office of Petitions

****

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APPROVED: [signature] DATE: 11/9/09

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FORM PTO 1577
(01/90)

(19)日本国特許庁（ＪＰ）　(12)**公開特許公報**（Ａ）　(11)特許出願公開番号

特開平5－226059

(43)公開日　平成5年(1993)9月3日

(51)Int.Cl.[5]	識別記号	庁内整理番号	ＦＩ	技術表示箇所
Ｈ０１Ｔ　1/14		Ｆ　8021－5Ｇ		
4/12		Ｆ　8021－5Ｇ		

審査請求　未請求　請求項の数4（全　5　頁）

(21)出願番号　特願平4－58959

(22)出願日　平成4年(1992)2月12日

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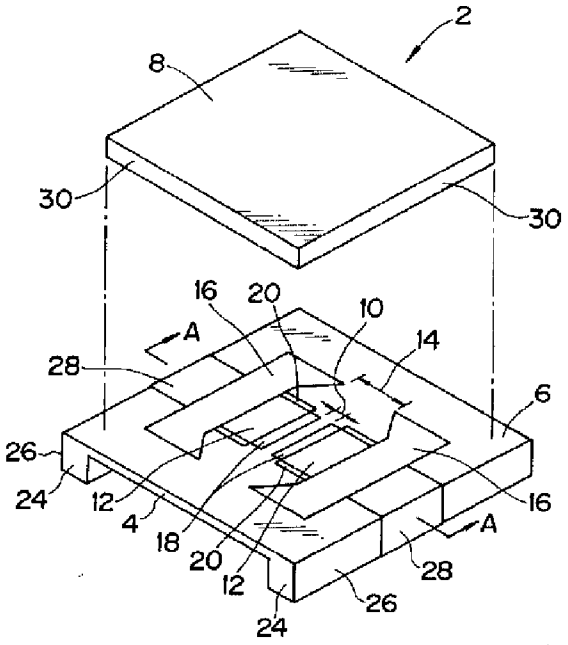
(54)【発明の名称】　保安機構付放電型サージ吸収素子

(57)【要約】

【目的】　外形がコンパクトに納まると共に、過電流の連続した通電を確実に遮断して、素子の溶融や該素子を組み込んだ回路基板の焼損等を防止する。

【構成】　絶縁基板４と、絶縁基板４の表面６との間に放電空間34を形成する蓋部材８と、絶縁基板４の表面６に微小放電間隙10を隔てて対向するよう被着形成される１対のトリガ放電電極膜12，12と、絶縁基板４の表面６に主放電間隙14を隔てて対向するよう被着形成され、トリガ放電電極膜12，12と電気的に接続される１対の主放電電極膜16，16とを有してなり、トリガ放電電極膜12，12の抵抗値が、連続した過電流の通電によるトリガ放電電極膜12，12の発熱を契機として、絶縁基板４を砕裂するに十分な発熱量を得られるまで上昇するように、トリガ放電電極膜12，12の抵抗温度係数を設定した。



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【特許請求の範囲】

【請求項１】　絶縁基板と、該絶縁基板の表面を気密に覆い、該表面との間に放電ガスが充填される放電空間を形成する蓋部材と、上記絶縁基板の表面に微小放電間隙を隔てて対向するよう被着形成される対のトリガ放電電極膜と、上記絶縁基板の表面に主放電間隙を隔てて対向するよう被着形成され、上記トリガ放電電極膜と電気的に接続される対の主放電電極膜とを有してなり、上記トリガ放電電極膜の抵抗値が、連続した過電流の通電による自己発熱を契機として、上記絶縁基板を砕裂するに十分な発熱量が得られる値まで上昇するように、該トリガ放電電極膜の抵抗温度係数を設定したことを特徴とする保安機構付放電型サージ吸収素子。

【請求項２】　上記トリガ放電電極膜の抵抗温度係数を２５００ｐｐｍ／°Ｃ乃至４０００ｐｐｍ／°Ｃの範囲に設定したことを特徴とする、請求項１に記載の保安機構付放電型サージ吸収素子。

【請求項３】　上記トリガ放電電極膜の初期抵抗値を０．１Ω乃至５Ωの範囲に設定したことを特徴とする、請求項１または２に記載の保安機構付放電型サージ吸収素子。

【請求項４】　上記絶縁基板における相対向する両側端面に脚部を突設したことを特徴とする、請求項１乃至３の何れかに記載の保安機構付放電型サージ吸収素子。

【発明の詳細な説明】

【０００１】

【産業上の利用分野】この発明は、電話回線等に印加される誘導雷等のサージを吸収することにより、電子機器が損傷することを防止する放電型サージ吸収素子に係り、特に、素子を偏平化すると共に、連続した過電流の通電を確実に遮断することのできる保安機構付放電型サージ吸収素子に関する。

【０００２】

【従来の技術】従来、誘導雷等のサージから電子機器の電子回路を保護するためのサージ吸収素子として、電圧非直線特性を有する高抵抗体素子よりなるバリスタや、放電間隙を気密容器内に収容したアレスタ等が広く使用されている。

【０００３】上記バリスタは、サージ吸収の応答性に優れるものの、単位面積当たりの電流耐量が比較的小さく、したがって大きなサージ電流を効率よく吸収することが困難である。また、上記アレスタはその放電間隙にアーク放電を生成することにより、電流耐量を大きくすることができるのであるが、サージの印加からアーク放電までに要する時間が長く、その応答性に問題がある。

【０００４】そこで、図３及び図４に示すように、略円柱状の絶縁体ａの表面に導電性薄膜ｂを被着させたうえで、この導電性薄膜ｂに幅が０．１㎜程度の微小放電間隙ｃを周回状に形成して導電性薄膜ｂを分割すると共に、絶縁体ａの両端に主放電間隙ｄを隔てて放電電極

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ｅ，ｅを嵌着して上記導電性薄膜ｂ，ｂと放電電極ｅ，ｅとを接続し、これを放電ガスと共に気密容器ｆ内に封入して外部端子ｇ，ｇを導出したサージ吸収素子ｈが提案されている。

【０００５】上記サージ吸収素子ｈに、このサージ吸収素子ｈの定格電圧以上のサージが印加された場合、まず微小放電間隙ｃを隔てた導電性薄膜ｂ，ｂ間に電位差が生じ、これにより微小放電間隙ｃに電子が放出されて沿面放電が発生する。次いで、この沿面放電に伴って生ずる電子のプライミング効果によってグロー放電へと移行する。そして、このグロー放電がサージ電流の増加によって主放電間隙ｄへと転移し、主放電としてのアーク放電に移行してサージを吸収する。

【０００６】

【発明が解決しようとする課題】このように、上記サージ吸収素子ｈは、微小放電間隙ｃに生ずる元来応答速度の速い沿面放電をトリガ放電として利用するものであるため、上記アレスタに比べて高い応答性を実現できると共に、主放電間隙ｄに生ずる主放電たるアーク放電によってサージを吸収するものであるため、上記バリスタに比べて大きな電流耐量を実現できる。

【０００７】しかしながら、上記従来のサージ吸収素子ｈにあっては、図３に示すように、気密容器ｆが嵩張る略円筒形状をなしているため、各種電子機器内部に実装する際に相当のスペースを確保する必要があり、近年における電子機器の小型化の要請に反するものであった。

【０００８】また、電力線との接触事故や、このような事態を想定したＵＬやＣＳＡ等の安全規格による過電圧試験によって、上記サージ吸収素子ｈの定格電圧以上の過電圧が連続して印加された場合には、主放電間隙ｄに生ずる主放電による過電流の通電が持続状態となる。そして、この過電流の連続した通電に伴う発熱によって気密容器ｆが溶融し、サージ吸収素子ｈが組み込まれた回路基板を焼損させることとなり、その結果、上記過電圧試験の合格基準を充足し得ないのは勿論のこと、実際の使用状況下においては火災の原因となるおそれもあった。

【０００９】本発明は、上記従来例の欠点に鑑みてなされたものであり、外形がコンパクトに納まると共に、過電流の連続した通電を遮断することで焼損事故を未然に防止し、各種安全規格に適合する保安機構付放電型サージ吸収素子を実現することを目的とする。

【００１０】

【課題を解決するための手段】上記目的を達成するために、本発明に係る保安機構付放電型サージ吸収素子は、絶縁基板と、該絶縁基板の表面を気密に覆い、該表面との間に放電ガスが充填される放電空間を形成する蓋部材と、上記絶縁基板の表面に微小放電間隙を隔てて対向するよう被着形成される対のトリガ放電電極膜と、上記絶縁基板の表面に主放電間隙を隔てて対向するよう被着形

成され、上記トリガ放電電極膜と電気的に接続される対の主放電電極膜とを有してなり、上記トリガ放電電極膜の抵抗値が、連続した過電流の通電による自己発熱を契機として、上記絶縁基板を砕裂するに十分な発熱量が得られる値まで上昇するように、トリガ放電電極膜の抵抗温度係数を設定するよう構成した。

【００１１】上記トリガ放電電極膜の抵抗温度係数は、その初期抵抗値（連続した過電流の通電によってトリガ放電電極膜が発熱する前の、平常時における抵抗値）、予想される過電流の電流値、或いは絶縁基板の割れ易さ等を基に、実験を通じて具体的に決定される。例えば、トリガ放電電極膜の初期抵抗値を比較的に高く設定してもよい場合には、その抵抗温度係数をそれほど高く設定しなくとも、当初から十分な発熱量が得られるため、絶縁基板を砕裂し得る。ところが、この種のサージ吸収素子は、後述のように、保護すべき電子回路に対して並列に接続されるため、初期抵抗値が高いと、サージ印加時の残留電圧が大きくなり、その分大きな電圧が電子回路側に印加されることとなる。したがって、その初期抵抗値はできるだけ小さくすべきとの要請がある。

【００１２】そこで、例えば、トリガ放電電極膜の初期抵抗値を０．１Ω乃至５Ωという低い範囲に設定すると共に、その抵抗温度係数を２５００ｐｐｍ／°Ｃ乃至４０００ｐｐｍ／°Ｃという非常に高い範囲に設定することにより、通常の瞬間的なサージの印加に対しては低い抵抗値を維持できると共に、過電流が連続的に流れた場合には、その抵抗値が急激に上昇して絶縁基板を砕裂することができる。なお、一般的な抵抗体の抵抗温度係数は２００ｐｐｍ／°Ｃ程度と低いため、発熱してもその抵抗値はほとんど変化しない。したがって、これによって上記トリガ放電電極膜を形成した場合には、初期抵抗値を５Ω乃至１００Ωという高い範囲で設定する必要がある。

【００１３】なお、上記「連続した過電流」における「連続した」という表現は、「一定時間継続した」を意味するものであり、「連続した過電流」には、直流電流のみならず、時間の経過と共に電流値が変化する交流電流も当然に含まれるものである。以下においても同様である。

【００１４】

【作用】絶縁基板の表面に、微小放電間隙を隔てて対向するトリガ放電電極膜と、主放電間隙を隔てて対向する主放電電極膜とを被着形成するよう構成したので、保安機構付放電型サージ吸収素子の形状は全体的に偏平化し、小型化することが容易となる。

【００１５】上記保安機構付放電型サージ吸収素子は、電子機器の電子回路に通じる通信ライン等を構成する線路間に、電子回路に対して並列に接続される。そして、上記線路に、保安機構付放電型サージ吸収素子の定格電圧（保安機構付放電型サージ吸収素子の動作電圧のことであり、具体的には、微小放電間隙の直流放電開始電圧）以上のサージが瞬間的に印加されると、まず微小放電間隙を隔てトリガ放電電極膜間に電位差が生じ、これにより微小放電間隙に電子が放出されて沿面放電が発生する。ついで、この沿面放電は、放電にともなって生ずる電子のプライミング効果によってグロー放電へと移行する。そして、このグロー放電がサージ電流の増加によって主放電間隙へと転移し、さらにアーク放電に移行してサージを吸収するものである。

【００１６】また、電力線との接触事故や、このような事態を想定した過電圧試験によって、上記保安機構付放電型サージ吸収素子の定格電圧以上の過電圧が連続して印加された場合には、上記微小放電間隙及び主放電間隙で放電が持続し、この放電を通じて連続した過電流が流れることとなる。この連続した過電流の通電によって上記トリガ放電電極膜が発熱し、この発熱を契機としてその抵抗値が急激に上昇し、その発熱量も相乗的に増加するため、最終的に上記絶縁基板は熱歪みによって砕裂する。この結果、放電空間内の放電ガスに空気が流入し、放電が消失して過電流の通電が遮断されるので、上記保安機構付放電型サージ吸収素子の溶融やこれを組み込んだ回路基板の焼損等を防止することができる。

【００１７】なお、上記絶縁基板における相対向する両側端面に脚部を突設することにより、素子を回路基板等に実装した際に、上記脚部によって上記絶縁基板の中心部分が浮いた状態で支持される。そのため、絶縁基板の砕裂が極めて容易となるのみならず、砕裂した部分が下方に陥没して通電路が完全に遮断されるため、確実に過電流の通電を遮断することができる。

【００１８】

【実施例】以下に本発明を、図示の実施例に基づいて説明する。図１及び図１のＡ－Ａ断面図である図２に示すように、本実施例に係る保安機構付放電型サージ吸収素子２は、厚さ０．４～１．０㎜のアルミナ等のセラミックからなる絶縁基板４と、該絶縁基板４の表面６を覆う蓋部材８と、上記表面６に幅１０～１００μｍの微小放電間隙10を隔てて被着形成される１対のトリガ放電電極膜12，12と、表面６に幅０．２～１０㎜の主放電間隙14を隔てて被着形成される１対の主放電電極膜16，16とを有してなる。

【００１９】上記トリガ放電電極膜12，12は、ルテニウム（Ｒｕ）系ペースト等によって形成され、その膜厚は１０～２５μｍ程度に設定される。このトリガ放電電極膜12，12の抵抗温度係数及び初期抵抗値は、上記ルテニウム（Ｒｕ）系ペーストに所定の貴金属材料を所定量混入することによって適宜変更することが可能であり、ここでは抵抗温度係数が２５００ｐｐｍ／°Ｃ～４０００ｐｐｍ／°Ｃに、また初期抵抗値が０．１Ω～５Ωに設定されている。また、上記主放電電極膜16，16は、タングステン（Ｗ），モリブデン（Ｍｏ），六硼化ランタン

（LaB_6），二ケイ化モリブデン（$MoSi_2$），二酸化チタン（TiO_2）等の耐スパッタ性を有する導電物質や、４２－６合金，４２合金等の金属薄板によって形成される。上記トリガ放電電極膜12，12と主放電電極膜16，16とは、上記微小放電間隙10と主放電間隙14とが並列接続されるように、互いに電気的に接続される。

【００２０】なお、上記トリガ放電電極膜12，12の先端部には、タングステン（Ｗ），モリブデン（Ｍｏ），六硼化ランタン（LaB_6），二ケイ化モリブデン（$MoSi_2$），二酸化チタン（TiO_2）等よりなる耐スパッタ性を有する導電性保護膜18，18が形成されており、トリガ放電電極膜12，12のスパッタによる微小放電間隙10の絶縁劣化を防止し、寿命特性の向上を図っている。さらに、トリガ放電電極膜12，12の表面には、露出部における沿面放電を防止するために、非結晶化ガラス等からなる絶縁膜20，20が被覆されている。

【００２１】上記絶縁基板４の裏面22における左側端縁及び右側端縁には、裏面22に対して略垂直方向に突出し、上記トリガ放電電極膜12，12の通電方向と略直交する方向に延びる脚部24，24が、上記絶縁基板４と一体的に形成される。

【００２２】上記絶縁基板４の表面６から脚部24，24の側面26，26にかけては、銀・パラジウム（Ａｇ・Ｐｄ）やニッケル（Ｎｉ）系ペースト等からなる１対の外部端子薄膜28，28が被着形成されており、該外部端子薄膜28，28は、上記主放電電極膜16，16と電気的に接続される。

【００２３】上記蓋部材８は、ガラスやセラミック等の絶縁物質からなり、該蓋部材８の各側面30は３～１０㎜程度の高さを有している。該側面30と絶縁基板４の表面６とを低融点ガラス等からなる封着材32によって固着することにより、絶縁基板４の表面６と蓋部材８との間に、上記側面30の高さに相応した高さを有する、気密の放電空間34が形成される。該放電空間34内には、ヘリウム（Ｈｅ），ネオン（Ｎｅ），アルゴン（Ａｒ），キセノン（Ｘｅ）等の希ガスの単体もしくは混合物を主体とする放電ガスが封入される。なお、上記のように側面30を有する蓋部材８を用いる代わりに、平板状の蓋部材を用い、絶縁基板４との間にスペーサー等を配して放電空間34を形成するよう構成してもよい。

【００２４】上記構成を有する保安機構付放電型サージ吸収素子２を電子機器のプリント回路基板等に実装した状態で、外部端子薄膜28，28を介して外部からサージを瞬間的に印加すると、まず微小放電間隙10を隔てたトリガ放電電極膜12，12間に電位差が生じ、これにより微小放電間隙10に電子が放出されて沿面放電が発生する。ついで、この沿面放電は、放電にともなって生ずる電子のプライミング効果によってグロー放電へと移行する。そして、このグロー放電がサージ電流の増加によって主放電間隙14へと転移し、さらにアーク放電に移行してサージを吸収する。

【００２５】電力線との接触事故や、このような事態を想定した過電圧試験によって、保安機構付放電型サージ吸収素子２の定格電圧以上の過電圧が連続して印加された場合には、上記微小放電間隙10及び主放電間隙14で放電が持続し、この放電を通じて連続した過電流が流れることとなる。この連続した過電流の通電によって上記トリガ放電電極膜12，12が発熱し、この発熱を契機としてその抵抗値が急激に上昇し、その発熱量も相乗的に増加するため、最終的に上記絶縁基板４は熱歪みを起こして砕裂する。この結果、放電空間34内の放電ガスに空気が流入し、放電が消失して過電流の通電が遮断される。

【００２６】なお、上記のように、絶縁基板４の裏面22には脚部24，24が形成されているため、回路基板等に実装した場合に、絶縁基板４の裏面22が回路基板の表面に密着することなく、上記脚部24，24によって絶縁基板４の中央付近が回路基板から浮いた状態で支持されるため、絶縁基板４の砕裂が容易となる。また、砕裂した部分が下方に陥没するので、通電路が寸断され、過電流の通電をより確実に遮断できる。

【００２７】

【発明の効果】上記のように、本発明に係る保安機構付放電型サージ吸収素子は、絶縁基板と、該絶縁基板を覆う蓋部材と、上記絶縁基板の表面に被着形成されるトリガ放電電極膜及び主放電電極膜とからなるよう構成したので、その外形を偏平化することができる。その結果、部品収容スペースの少ない小型の機器内に収容することが可能になる等、保安機構付放電型サージ吸収素子の使用用途を拡大し、その利用価値を高めることができる。

【００２８】また、トリガ放電電極膜の抵抗値が、連続した過電流の通電によるトリガ放電電極膜の発熱を契機として、絶縁基板を砕裂するに十分な発熱量を得られるまで上昇するように、トリガ放電電極膜の抵抗温度係数を設定したため、電力線との接触事故や各種過電圧試験によって保安機構付放電型サージ吸収素子の定格電圧以上の過電圧が連続して印加された場合に、該過電圧による過電流によって上記トリガ放電電極膜が発熱し、上記絶縁基板が砕裂する。その結果、放電空間内の放電ガスに空気が流入し、これにより放電が消失して過電流の通電が遮断されるので、保安機構付放電型サージ吸収素子の溶融やこれを組み込んだ回路基板の焼損等を防止することができる。

【００２９】絶縁基板の裏面における相対向する両側端縁に脚部を突設するよう構成することにより、本発明に係る保安機構付放電型サージ吸収素子を回路基板等に実装した際に、上記脚部によって絶縁基板の中心部分を浮いた状態で支持できるので、該絶縁基板の砕裂が極めて容易となる。また、砕裂した部分が下方に陥没して通電路が完全に遮断されるため、確実に過電流の通電を遮断することができる。

7　　8

【図面の簡単な説明】

【図１】本発明に係る保安機構付放電型サージ吸収素子の実施例を示す分解斜視図である。

【図２】図１のＡ－Ａ断面図である。

【図３】従来のサージ吸収素子の概略斜視図である。

【図４】従来のサージ吸収素子の概略断面図である。

【符号の説明】

２　保安機構付放電型サージ吸収素子

４　絶縁基板

６　絶縁基板の表面

８　蓋部材

10　微小放電間隙

12　トリガ放電電極膜

14　主放電間隙

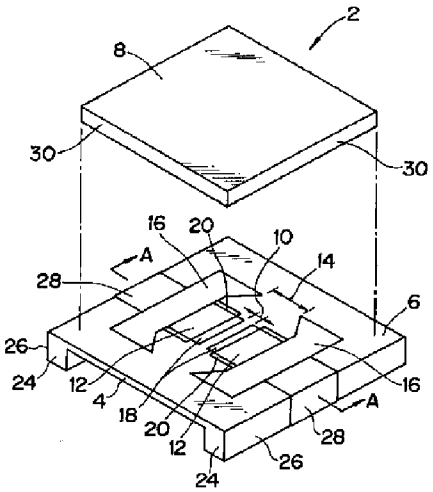
16　主放電電極膜

22　絶縁基板の裏面

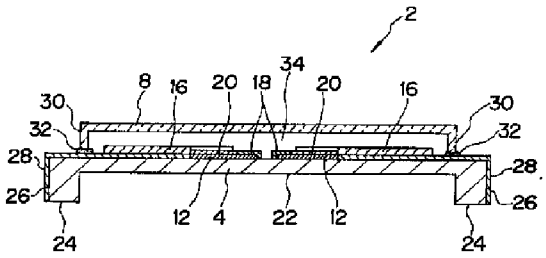
24　脚部

34　放電空間

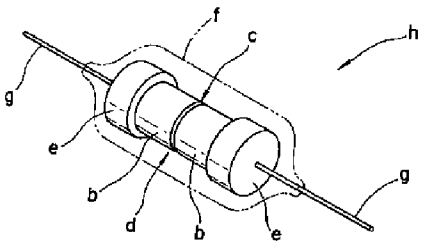
【図１】



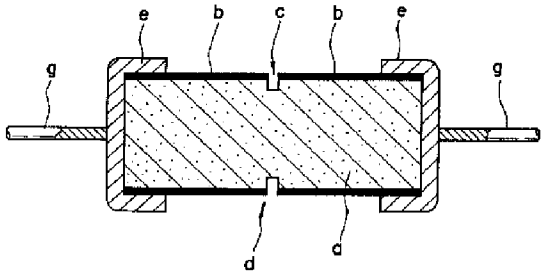
【図２】



【図３】



【図４】



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APR 11 2008

OFFICE OF PETITIONS

In re Application of	:	
Douglas et al.	:	
Application No. 11/691,059	:	ON PETITION
Deposited: March 26, 2007	:	
Attorney Docket No. 11/691,059	:	

This is a decision on the "PETITION TO RECEIVE FILING DATE OF MARCH 26, 2007 AND SPECIFIED PRIORITY CLAIM" filed August 21, 2007, requesting that the above-identified application be accorded the filing date of March 26, 2007 and the priority claim in the amendment filed herewith.

The petition is **GRANTED**.

Aplication papers in the above-identified application were deposited via EFS-Web on March 26, 2007. On July 26, 2007, applicants filed a preliminary amendment to amend the specification to include a priority claim. On August 2, 2007, the Office of Patent Application Processing mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without a complete specification as prescribed by 35 U.S.C. 112 and without drawings as required by 35 U.S.C. 113.

In response, the present petition was timely filed. Petitioner states that the prior attorney of record, Mr. Lasky, filed the instant application by way of filing of a "Request for Continuation Application Under 37 CFR 1.53(b)" using the Electronic Filing System (EFS) of the Patent Office. Petitioner requests that the application be amended to include the inadvertently omitted material. Petitioner maintains that the

omission was inadvertent as it is understood that the omission of the copy of the specification and drawings was due to confusion by Mr. Lasky about whether the new EFS procedures required submission of separate copies in a continuation application or whether it was sufficient to designate the full prior application as the new application, a copy of which was already on file with the Patent Office.

First, petitioner petitions under 37 C.F.R. 1.57 FOR INCORPORATION BY REFERENCE AND AMENDMENT OF THE SPECIFICATION TO INCLUDE OMITTED MATERIAL. Contingently, petitioner requests to amend the specification to include a priority claim under 37 C.F.R. 1.78(a)(3),(6). Alternatively, petitioner requests to suspend the rules under 37 C.F.R. 1.183 to permit the present application to be accorded the filing date of March 26, 2007.

ON PETITION UNDER 1.57(a)

Preliminarily, it is stated that this is a decision directed to the filing date of this application. The claim for benefit of priority to prior application No. 10/744,862 was timely made within four months of the filing date of this application. This application is considered a continuation of application No. 10/744,862, which is a continuation of application No. 10/091,123, which claims priority from provisional application No. 60/273,490 and 60/299,842.

What is at issue is whether the application is entitled to a filing date of March 26, 2007, despite the omission of the specification on filing of the application on March 26, 2007. 37 CFR 1.57(a) is controlling. 37 CFR § 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-

filed application as to the inadvertently omitted portion of the specification or drawing(s).

> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. A review of the application confirms that on filing it included an incorporation by reference statement on page 1 of the transmittal letter. However, this incorporation by reference did not properly incorporate prior application No. 10/744,862. The presence of the reference in the transmittal letter is improper and cannot be relied on under 37 CFR 1.57(a). The incorporation by reference statement must be included in an application data sheet in the specification must contain or be amended to contain such reference in the first sentence(s) following the title. See also MPEP §201.11. It is noted that if the reference is only present in an application transmittal, it does not meet the requirements of 37 CFR 1.78, and the application is not entitled to the benefit of 37 CFR 1.57(a).

In this instance, however, the application transmittal also includes a request to amend the specification to include the reference. This amendment is not in compliance with 37 CFR 1.121. Nonetheless, it is sufficient for purposes of considering the application amended on filing to include the benefit claim in the specification.

Furthermore, petitioner states that the specification was inadvertently omitted and that it was completely contained in the prior application. Moreover, the petition includes an AMENDMENT TO ADD MATERIAL INCORPORATED BY REFERENCE. The amendment states that the substitute specification submitted is identical to the specification of prior application No. 10/744,862. The petition includes the fee set forth in § 1.17(f). The instant petition meets the requirements of § 1.57(a).

Thus, pursuant to § 1.57(a), the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted specification.

In view thereof, the petition is granted.

Receipt of the petition fee of $400 is acknowledged.

The application is being forwarded to the Office of Patent Application Processing for **according of a filing date of March 26, 2007**, as a continuation under 37 CFR 1.53(b) of prior application No. 10/744,862, using the copy of the specification, claims, drawings and abstract from the prior application supplied on petition filed August 21, 2007.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Anthony Knight
Supervisor
Office of Petitions

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
William H. Eby
Serial No.: 11/691,068 : PETITION DECISION
Filed: March 26, 2007
Attorney Docket No.: 1484-016

This is in response to the petition under 37 CFR § 1.59(b), filed January 3, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 3, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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CASTLE ROCK CO 80108

In re Application of :
William H. Eby
Serial No.: 11/691,068
Filed: March 26, 2007
Attorney Docket No.: **1421-260**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 30, 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 January 3, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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CASTLE ROCK CO 80108

In re Application of :
William H. Eby
Serial No.: 11/691,088 : PETITION DECISION
Filed: March 26, 2007
Attorney Docket No.: 1421-261

This is in response to the petition under 37 CFR § 1.59(b), filed January 3, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 3, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

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JONDLE & ASSOCIATES P.C.
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In re Application of :
William H. Eby
Serial No.: 11/691,088
Filed: March 26, 2007
Attorney Docket No.: 1421-261

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 9, 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 January 3, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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Intellectual Property Law Department
740 West New Circle Road, Bldg. 082
Lexington, KY 40550-0999

JUN 12 2007

In re Application of: Christopher Alan Adkins Serial No.: 11/691,091 Filed: January 7, 2007 Title: INK TANK HAVING INTEGRATED RFID TAG	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on March 26, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

All of the conditions of I. 1-4 and II. 1-5 above are considered to have been met. However, the petition fails to comply with the all the conditions set forth in II. 6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of II. 6, the examination support document is insufficient in that it fails to provide a detailed explanation of how each independent claim is patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c), as set forth in condition II. 6.3 above.

37 CFR 1.111(b) states that "the reply must present arguments pointing out the specific distinctions believed to render the claims . . . patentable over the . . . references." It further states that "a general allegation that the claims define a patentable invention without pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR 1.111(c) states "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

It is not clear exactly what is patentable concerning these claims. It certainly is not using an RFID tag in conjunction with an ink tank as that clearly has been done before. It doesn't appear to be just that the RFID tag in located on the top cover of the ink tank since the specific location on the ink tank would appear to be an obvious design choice. For example, U.S. Patent Publication No. 2005/0191064 (Park, et al.) discloses that an RFID tag is typically disposed at a top portion or a front portion of the cartridge or ink tank. It must be either that the RFID tag is "molded" into the top cover (claims 1 and 14) or that it is secured in a recessed region of said top cover (claims 7 and 14).

However, as pointed out in the support document, the Peters publication entitled "Package security-action replaces talk" discloses embedding an RFID tag into an ink cartridge. In addition, molded top portions or cover members of an ink tank are known as disclosed by U.S Patent Publication No. 2006/0082625. Given these teachings, it is difficult to see why molding an RFID tag into the top portion of an ink tank/cartridge, or securing the RFID tag in a recessed region of the top cover, would not be obvious to one of ordinary skill in the art.

As indicated in 37 CFR 1.111(b), applicant's general allegation that none of the cited references, taken alone or in combination, disclose, teach or suggest the given claim language is insufficient to satisfy the requirements of 37 CFR 1.111(b). As indicated in 37 CFR 1.111(b) and (c), applicant must point out the how the claims are patentable given the state of the art disclosed by the references. First, there is no indication that applicant considered the references taken in combination. Second, applicant has not indicated how the language of the claims patentably distinguishes them from the combination of the references, i.e., the state of the art disclosed by the references.

DECISION

For the above-stated reason, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer,

from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal 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 Edward Westin at (571) 272-1638.

Edward Westin

Edward Westin, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,091	03/26/2007	Christopher Alan Adkins	2006-0350.06	5091

21972 7590 06/15/2007

LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON, KY 40550-0999

EXAMINER	
ART UNIT	PAPER NUMBER
2853	

MAIL DATE	DELIVERY MODE
06/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Intellectual Property Law Department
740 West New Circle Road, Bldg. 082
Lexington, KY 40550-0999

JUN 12 2007

In re Application of:
Christopher Alan Adkins
Serial No.: 11/691,091
Filed: January 7, 2007
Title: INK TANK HAVING INTEGRATED RFID TAG

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on March 26, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

All of the conditions of I. 1-4 and II. 1-5 above are considered to have been met. However, the petition fails to comply with the all the conditions set forth in II. 6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of II. 6, the examination support document is insufficient in that it fails to provide a detailed explanation of how each independent claim is patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c), as set forth in condition II. 6.3 above.

37 CFR 1.111(b) states that "the reply must present arguments pointing out the specific distinctions believed to render the claims . . . patentable over the . . . references." It further states that "a general allegation that the claims define a patentable invention without pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR 1.111(c) states "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

It is not clear exactly what is patentable concerning these claims. It certainly is not using an RFID tag in conjunction with an ink tank as that clearly has been done before. It doesn't appear to be just that the RFID tag in located on the top cover of the ink tank since the specific location on the ink tank would appear to be an obvious design choice. For example, U.S. Patent Publication No. 2005/0191064 (Park, et al.) discloses that an RFID tag is typically disposed at a top portion or a front portion of the cartridge or ink tank. It must be either that the RFID tag is "molded" into the top cover (claims 1 and 14) or that it is secured in a recessed region of said top cover (claims 7 and 14).

However, as pointed out in the support document, the Peters publication entitled "Package security-action replaces talk" discloses embedding an RFID tag into an ink cartridge. In addition, molded top portions or cover members of an ink tank are known as disclosed by U.S Patent Publication No. 2006/0082625. Given these teachings, it is difficult to see why molding an RFID tag into the top portion of an ink tank/cartridge, or securing the RFID tag in a recessed region of the top cover, would not be obvious to one of ordinary skill in the art.

As indicated in 37 CFR 1.111(b), applicant's general allegation that none of the cited references, taken alone or in combination, disclose, teach or suggest the given claim language is insufficient to satisfy the requirements of 37 CFR 1.111(b). As indicated in 37 CFR 1.111(b) and (c), applicant must point out the how the claims are patentable given the state of the art disclosed by the references. First, there is no indication that applicant considered the references taken in combination. Second, applicant has not indicated how the language of the claims patentably distinguishes them from the combination of the references, i.e., the state of the art disclosed by the references.

DECISION

For the above-stated reason, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer,

from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal 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 Edward Westin at (571) 272-1638.

Edward Westin

Edward Westin, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Lexington, KY 40550-0999

AUG 11 2007

In re Application of:	:	
Christopher Alan Adkins	:	DECISION ON PETITION TO
Serial No.: 11/691,091	:	MAKE SPECIAL FOR NEW
Filed: January 7, 2007	:	APPLICATION UNDER 37
Attorney Docket No.: 2006-0350.06	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: INK TANK HAVING	:	
INTEGRATED RFID TAG	:	

This is a decision on the renewed petition filed on July 11, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The renewed 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). It is noted that English translations of the foreign publications cited in the IDS were not provided. However, based on the nature of the invention being claimed, the relevant disclosures of the foreign publications can be readily ascertained from the drawings and from their discussions in the accelerated examination support document.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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TRASKBRITT / BATTLELLE ENERGY ALLIANCE, LLC
PO BOX 2550
SALT LAKE CITY, UT 84110

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JAN 08 2010

In re Application of	:	
William A. Apel, et al.	:	
Application No. 11/691,096	:	DECISION GRANTING PETITION
Filed: March 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. BA-158	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 6, 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 October 13, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Daniel J. Morath appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Morath desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

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.

---

[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.*

This application is being referred to Technology Center AU 1641 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

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SEP 16 2008

In re Application of :
Kimberly A. NEWELL et al. :
Application No. 11/691,098 : DECISION ON PETITION
Filed: March 26, 2007 :
Attorney Docket No. **M233.101.102** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed May 03, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 04, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required specification and declaration (2) the petition fee of $770.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of May 03, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application is being referred to the Office of Patent Application Processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Joseph Barrera
Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester NY 14604

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JAN 25 2010

In re Application of :
Burke et al. : DECISION ON PETITION
Application No. 11/691,125 :
Filed: 03/26/2007 :
Attorney Docket No. P03760 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on April 6, 2009, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on July 7, 2009. A Notice of Abandonment was mailed on July 31, 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 and publication fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

This matter is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specifically 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

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OFFICE OF PETITIONS

In re Application of	:	
Hiroyuki Sakamoto et al	:	
Application No. 11/691,132	:	DECISION GRANTING PETITION
Filed: March 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 056207.55506C1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 29, 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 3681 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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OCT 16 2007

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of
William H. Eby :
Serial No.: 11/691,134 :
Filed: March 26, 2007 : PETITION DECISION
Attorney Docket No.: 1421-262 :

This is in response to the petition under 37 CFR § 1.59(b), filed October 1, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 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(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of	:
William H. Eby	:
Serial No.: 11/691,134	: PETITION DECISION
Filed: March 26, 2007	:
Attorney Docket No.: 1421-262	:

This is in response to the petition under 37 CFR § 1.59(b), filed November 27, 2007, to expunge information from the above identified application. This application has now 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 October 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(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant'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/Program Manager
Technology Center 1600

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :	:
William H. Eby	:
Serial No.: 11/691,148	: PETITION DECISION
Filed: March 26, 2007	:
Attorney Docket No.: 1421-263	

This is in response to the petition under 37 CFR § 1.59(b), filed December 13, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 13, 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(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
William H. Eby
Serial No.: 11/691,148
Filed: March 26, 2007
Attorney Docket No.: 1421-263

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 9, 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 December 13, 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(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

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/Program Manager
Technology Center 1600

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

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SEP 14 2007

OFFICE OF PETITIONS

In re Application of :
Lao et al. :
Application No. 11/691,155 :
Deposited: March 26, 2007 :
Atty Docket No. 20964 :

DECISION ON PETITION

This is a decision on the petition "Under 37 CFR 1.57(a)", filed on June 14, 2007 requesting that the above-identified application be accorded a filing date of March 26 2007, with 3 sheets of drawings containing Figures 2-5 as a part of the original disclosure.[1] This petition is being treated pursuant to 37 CFR 1.53 (e)(2) [2].

Application papers in the above-identified application were deposited on March 26, 2007. However, on April 9, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicants the application had not been accorded a filing date because the application was deposited without drawings..

In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 to a prior filed Chinese application No. 200610046168 in which the inadvertently omitted drawing figures 2-5 are found. Applicants have provided a copy of the prior filed application (Chinese application No. 200610046168)in which the inadvertently omitted drawing figures 2-5 are found.

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[1] Petitioner also contends figures 1 and 8 are supported by the subject specification, thus would not constitute new matter.

[2] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Petitioner's argument and evidence have been considered. However, it is controlling that a review of the application confirms that as filed the application contained at least one method claim. MPEP 601.01 (f) provides that:

> It is the practice of the PTO to treat a nonprovisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to §601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required. The amendment to include the inadvertently omitted drawings will be considered by the examiner.

To the extent the instant petition requests a filing date of March 26, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the Basis for granting this petition, the petition fee is being refunded via a treasury check.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for:

- correction of the filing date to March 26, 2007;
- for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and
- for issuance of a filing receipt.

Entry of the amendment filed April 9, 2007 will be determined by the examiner.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Charlema R. Grant at 571.272.3215.

Charles A. Pearson
Director
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,177	03/26/2007	William H. Eby	1421-264	5226

32905 7590 10/28/2008
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
IBRAHIM, MEDINA AHMED	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
10/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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OCT 2 9 2008

In re Application of:
William H. Eby
Serial No.: 11/691,177
Filed: March 26, 2007
Attorney Docket No.: 1421-264

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed October 22, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 22, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,177	03/26/2007	William H. Eby	1421-264	5226

32905 7590 05/22/2009
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
IBRAHIM, MEDINA AHMED	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
05/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,177
Filed: March 26, 2007
Attorney Docket No.: 1421-264

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed May 21, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on October 22, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,197
Filed: March 26, 2007
Attorney Docket No.: **1421-265**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 8, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on October 29, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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Powell Goldstein LLP
One Atlantic Center Fourteenth Floor
1201 West Peachtree Street NW
Atlanta, GA 30309-3488

COPY MAILED

APR 28 2008

OFFICE OF PETITIONS

In re Application of :

Richard A. Gross :
Application No. 11/691,202 : DECISION ON PETITION
Filed: March 26, 2007 : TO WITHDRAW
Attorney Docket No. 048467.01006 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 21, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Charles Warner on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Richard A. Gross**
16 Northern Parkway
Plainview, NY 11803

cc: **Laurence P. Colton**
SMITH GAMBRELL & RUSSELL
1230 Peachtree Street, NW
Promenade II, Suite 3100
Atlanta, GA 30309

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/691,202	03/26/2007	Richard A. Gross	048467.01006

CONFIRMATION NO. 5270

25207
POWELL GOLDSTEIN LLP
ONE ATLANTIC CENTER FOURTEENTH FLOOR
1201 WEST PEACHTREE STREET NW
ATLANTA, GA 30309-3488

POWER OF ATTORNEY NOTICE

OC00000029577106

Date Mailed: 04/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/21/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,217
Filed: March 26, 2007
Attorney Docket No.: 1421-266

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed October 29, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 29, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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In re Application of:
William H. Eby
Serial No.: 11/691,217
Filed: March 26, 2007
Attorney Docket No.: 1421-266

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed May 5, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on October 29, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,236	03/26/2007	Seiji Motai	JP920050159US1	5336

45095 7590 04/23/2008
HOFFMAN, WARNICK & D'ALESSANDRO LLC
75 STATE ST
14 FL
ALBANY, NY 12207

EXAMINER	
LEA EDMONDS, LISA S	

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
04/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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SHIMOKAJI & ASSOCIATES, P.C.
8911 Reasearch Drive
Irvine, CA 92618

In re Application of
MOTAI, Seiji
Application No.: 11/691,236
Filed: 03/26/2007
Attorney Docket No.: JP920050159US1

For: KEYBOARD ILLUMINATION DEVICE FOR PORTABLE COMPUTER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 11, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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OCT 3 1 2008

OFFICE OF PETITIONS

Applicant: Bowman et al.
Appl. No.: 11/691,257
Filing Date: March 26, 2007
Title: STITCHING OF PATHS FOR IMPROVED TEXT-ON-PATH RENDERING OF MAP LABELS
Attorney Docket No.: 16813-101US MMR/ma
Pub. No.: US 2007/0242084 11A1
Pub. Date: October 18, 2007

This is a decision on the request entitled "Errors Noted in Application Following Publication", which appears to be a request to amend the publication to correct Applicant's errors in the application, received on December 18, 2007, for the above-identified application

The request is DISMISSED.

Applicant requests that the published application be amended to correct errors in the application. Dependent claim 25, as filed does not include the term "the" between "wherein" and "processor," which applicant is requesting to be corrected.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b).

The instant request does not request that the application be amended and it does not comply with 37 CFR 1.121.

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[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The Office does not amend publications. If applicant wants to amend the application, Applicant should file an amendment in compliance with 37 CFR 1.121.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

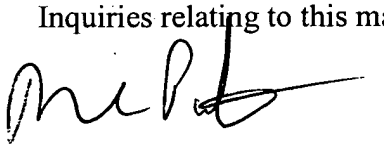
Applicants' request for a corrected patent application publication on December 18, 2007, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE IL 60048-5343

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JUL 07 2010

OFFICE OF PETITIONS

In re Application of :
Joseph F. Wodka et al. :
Application No. 11/691,267 : DECISION ON PETITION
Filed: March 26,2007 :
Attorney Docket No. **CML05438EV** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 20, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 12, 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 Notice of Appeal and fee; (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 2427 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

JoAnne Burke
Petitions Examiner
Office of Petitions

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BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

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MAY 18 2010

OFFICE OF PETITIONS

In re Application of
Minoru OISHI, et al.
Application No. 11/691,273
Filed: March 26, 2007
Attorney Docket No. **076376.0745**

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 May 14, 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 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 should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2454 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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P.O. Box 1450
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HOVEY WILLIAMS LLP
10801 MASTIN BLVD., SUITE 1000
OVERLAND PARK, KS 66210

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
James SAMSOONDAR :
Application No. 11/691,287 : ON PETITION
Filed: March 26, 2007 :
Attorney Docket No. 31773-DIV1-CNT1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 28, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is May 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 1797 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Thurman K. Page
Petitions Examiner
Office of Petitions

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LEE, HONG, DEGERMAN, KANG & SCHMADEKA
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

MAIL

MAR 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
KIM, TAE HUN, et al.
Application No. 11/691,305
Filed: March 26, 2007
Attorney Docket No. 2060-3474

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 February 1, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,318	03/26/2007	Timothy Beerling	10060325-02	5459

7590 12/11/2009

AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER	
SCHNEIDER, CRAIG M	

ART UNIT	PAPER NUMBER
3753	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2009 NFARMER
03/27/2007 INTEFSA 00001064 591978 11691318
02 FC:1111 500.00 CR

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OCT 16 2007

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of
William H. Eby :
Serial No.: 11/691,340 :
Filed: March 26, 2007 : PETITION DECISION
Attorney Docket No.: 1421-267 :

This is in response to the petition under 37 CFR § 1.59(b), filed October 1, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 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(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 30 2007

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of	:
William H. Eby	:
Serial No.: 11/691,340	: PETITION DECISION
Filed: March 26, 2007	:
Attorney Docket No.: 1421-267	:

This is in response to the petition under 37 CFR § 1.59(b), filed November 27, 2007, to expunge information from the above identified application. This application has now 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 October 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(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant'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/Program Manager
Technology Center 1600

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SEP 18 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,352
Filed: March 26, 2007
Attorney Docket No.: 1421-269

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed September 10, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 10, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,352	03/26/2007	William H. Eby	1421-269	5515

32905 7590 12/05/2008
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KALLIS, RUSSELL	
ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
12/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CASTLE ROCK CO 80108

DEC 0 5 2008

In re Application of:
William H. Eby
Serial No.: 11/691,352
Filed: March 26, 2007
Attorney Docket No.: **1421-269**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed November 25, 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 September 10, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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SEP 18 2008

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,367
Filed: March 26, 2007
Attorney Docket No.: 1421-270

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed September 10, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 10, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,367	03/26/2007	William H. Eby	1421-270	5542

32905 7590 01/26/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
01/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JAN 2 6 2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,367
Filed: March 26, 2007
Attorney Docket No.: 1421-270

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed January 15, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 15, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,367	03/26/2007	William H. Eby	1421-270	5542

32905 7590 08/14/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
08/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

AUG 14 2009

In re Application of:
William H. Eby
Serial No.: 11/691,367
Filed: March 26, 2007
Attorney Docket No.: **1421-270**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed August 6, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 6, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,367	03/26/2007	William H. Eby	1421-270	5542

32905 7590 05/26/2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
05/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,367
Filed: March 26, 2007
Attorney Docket No.: **1421-270**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed May 21, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Replies to Request for Information Under 37 CFR 1.105, and all attachments thereto, and declarations under 1.132 submitted to the Patent Office on September 10, 2008; January 14, 2009; August 6, 2009 and October 8, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for these documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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SEP 18 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 11/691,377	: PETITION DECISION
Filed: March 26, 2007	:
Attorney Docket No.: 1421-271	

This is in response to the petition under 37 CFR § 1.59(b), filed September 10, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 10, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,377	03/26/2007	William H. Eby	1421-271	5559

32905 7590 01/26/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
01/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 11/691,377	: PETITION DECISION
Filed: March 26, 2007	:
Attorney Docket No.: 1421-271	

This is in response to the petition under 37 CFR § 1.59(b), filed January 15, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 15, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,377	03/26/2007	William H. Eby	1421-271	5559

32905 7590 08/14/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
08/14/2009	PAPER

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 11/691,377	: PETITION DECISION
Filed: March 26, 2007	:
Attorney Docket No.: **1421-271**	

This is in response to the petition under 37 CFR § 1.59(b), filed August 6, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 6, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,377	03/26/2007	William H. Eby	1421-271	5559

32905 7590 07/26/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
07/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,377
Filed: March 26, 2007
Attorney Docket No.: **1421-271**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed March 15, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Declaration under CFR 1.132 submitted to the Patent Office on March 15, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/691,377	03/26/2007	William H. Eby	1421-271	5559

32905 7590 07/26/2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KUBELIK, ANNE R

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
07/26/2010	ELECTRONIC

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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):

JondleOA@jondlelaw.com

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JUL 2 6 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 11/691,377
Filed: March 26, 2007
Attorney Docket No.: **1421-271**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed October 8, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Declaration under CFR 1.132 submitted to the Patent Office on October 8, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was uninténtionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

OCT 16 2007

In re Application of
William H. Eby :
Serial No.: 11/691,396 :
Filed: March 26, 2007 : PETITION DECISION
Attorney Docket No.: 1421-272 :

This is in response to the petition under 37 CFR § 1.59(b), filed October 1, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 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(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 20 2007

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of	:
William H. Eby	:
Serial No.: 11/691,396	: PETITION DECISION
Filed: March 26, 2007	:
Attorney Docket No.: 1421-272	:

This is in response to the petition under 37 CFR § 1.59(b), filed November 27, 2007, to expunge information from the above identified application. This application has now 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 October 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(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.
Therefore, applicant'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/Program Manager
Technology Center 1600

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MAY 13 2010

OFFICE OF PETITIONS

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

In re Application of Yoon et al.
Application No. 11/691,399
Filing Date: March 26, 2007
Attorney Docket No. 2101-3321

Decision Dismissing Petition
Under 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 2, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above. The amendment is not acceptable as drafted because the amendment improperly incorporates by reference Application No. 60/785,420.

The amendment filed with the instant request includes language incorporating by reference Application No. 60/785,420. However, the original specification did not incorporate by reference Application No. 60/785,420. One cannot incorporate a specific application by reference for the first time after an application's filing date because no new matter can be added to an application after its filing date. *See* 35 U.S.C. 132(a)), *Dart Industries v. Banner*, 636 F.2d 684, 207 U.S.P.Q. 273 (C.A.D.C. 1980), MPEP 201.06(c), and MPEP 608.04(b).

Since the amendment includes an improper incorporation by reference, the amendment cannot be accepted.

Before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and a proper substitute amendment must be filed.

As authorized in the request, the $1,410 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's Deposit Account No. 50-2290.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314

Any questions concerning this matter may be directed to Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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LOS ANGELES, CA 90017

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JUN 01 2010

OFFICE OF PETITIONS

In re Application of Yoon et al. :
Application No. 11/691,399 : Decision Dismissing Petition
Filing Date: March 26, 2007 : Under 37 CFR 1.78(a)(6)
Attorney Docket No. 2101-3321 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed May 26, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **granted**.

The specification filed March 26, 2007, stated, "This application claims the benefit of U.S. Provisional Application No. 60/780,420 filed on March 24, 2006, which is hereby incorporated by reference."

A petition under 37 CFR 1.78(a)(6) was filed on February 2, 2010.

The amendment filed with the petition sought to replace Application No. 60/780,420 in the priority claim with Application No. 60/785,420.

A decision dismissing the petition was mailed May 13, 2010. The decision indicated the language in the amendment incorporating by reference Application No. 60/785,420 was improper because the original application papers did not incorporate by reference Application No. 60/785,420.

The amendment filed with the instant petition on May 26, 2010, deletes the incorporation by reference language.

Petitioner has satisfied the requirements of 37 CFR 1.78(a)(6) and the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other

requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

The application is being forwarded to Technology Center Art Unit 2464- for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/691,399	03/26/2007	2464	3250	2101-3321	54	4

CONFIRMATION NO. 5594

CORRECTED FILING RECEIPT

35884
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

Date Mailed: 06/01/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Young Cheul Yoon, San Diego, CA;
Li-Hsiang Sun, San Diego, CA;
Sang Gook Kim, San Diego, CA;
Shu Wang, San Diego, CA;
Ho Bin Kim, San Diego, CA;
Suk Woo Lee, San Diego, CA;

Assignment For Published Patent Application

LG Electronics Inc.

Power of Attorney: The patent practitioners associated with Customer Number 035884

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/785,420 03/24/2006

Foreign Applications

If Required, Foreign Filing License Granted: 05/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/691,399**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND STRUCTURE OF CONFIGURING PREAMBLE TO SUPPORT TRANSMISSION OF DATA SYMBOL IN A WIRELESS COMMUNICATION SYSTEM

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of
William H. Eby
Serial No.: 11/691,402
Filed: March 26, 2007
Attorney Docket No.: 1421-273

OCT 19 2007

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed October 1, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 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(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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NOV 20 2007

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of	:
William H. Eby	:
Serial No.: 11/691,402	: PETITION DECISION
Filed: March 26, 2007	:
Attorney Docket No.: 1421-273	:

This is in response to the petition under 37 CFR § 1.59(b), filed November 9, 2007, to expunge information from the above identified application. This application has now 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 October 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(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant'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/Program Manager
Technology Center 1600

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OFFICE OF PETITIONS

In re Application of

BAILARD, Fred
Application No. 11/691,409
Filed: March 26, 2007
Attorney Docket No. **025645-000310US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 15, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Jason Lohr on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Fred Bailard at the address indicated below. There is an outstanding Office action mailed October 22, 2008 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: **FRED BAILARD**
98 MAIN STREET, #203
TIBURON CA 94920

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SEATTLE WA 98101

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
BARDY, Gust H. :
Application No. 11/691,414 : DECISION ON PETITION
Filed: March 26, 2007 : TO WITHDRAW
Attorney Docket No. **003.0548.US.DIV** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Patrick Inouye on behalf of all attorneys of record who are associated with customer No. 49475. All attorneys/agents associated with the Customer Number 49475 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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **GUST H. BARDY**
2518 CONSTANCE DRIVE W.
SEATTLE WA 98199-3017

cc: **PAULY, DEVRIES SMITH & DEFFNER, L.L.C.**
PLAZA VII- SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1630