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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Flemming S. Andreasen	: DECISION ON REQUEST FOR
Patent Number	: 7643411	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/715,250	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 27, 2010

TO SPE OF : ART UNIT 2856

SUBJECT : Request for Certificate of Correction for Appl. No.: 11715273 Patent No.: 7621171

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580

Certificates of Correction Branch

703-756-1573

Thank You For Your Assistance

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

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

Comments: Ok to enter

/Hezron E. Williams/

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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MAR 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Regebro et al.	:	
Application No 11/715389	:	DECISION
Filed: 03/08/2007	:	ON PETITION
Atty Docket No.:	:	
43327-241318	:	

This is a decision on the Petition to Withdraw Holding of Abandonment, filed January 14, 2008. The petition is properly treated under 37 CFR 1.181.

The petition is **granted.**

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 10, 2007. The Notice set a two (2) month period for reply. No reply having been received, this application became abandoned on June 11, 2007. A Notice of Abandonment was mailed December 14, 2007.

Applicant files the present petition and asserts that a timely response to the office action was filed on May 8, 2007. In support for this assertion, Applicant files a copy of a filing receipt itemized and stamped by this Office as having been received on May 8, 2007. The filing receipt acknowledges receipt by this Office of a Transmittal Letter; Fee Transmittal Letter; Substitute Specification; Information Disclosure Statement (IDS) with 11 cited references, and a marked-up specification.

A review of the "Response to Notice to File Corrected Application Papers" reveals that the serial number placed thereon was 11/783,819, and not 11/715,389.

A review of the contents of application number 11/783,819 reveal that the Transmittal Letter; Fee Transmittal Letter; Substitute Specification; Information Disclosure Statement (IDS) with 11 cited references, and a marked-up specification were entered into application 11/783,819. A further review of the "Response to Notice to File Corrected Application Papers" reveals that the correct applicant, title of the invention, application filing date and Art Unit were included

thereon. A review of the Transmittal Letter; Fee Transmittal Letter, and IDS reveal that they contained the correct application serial number; applicant, title of the invention, application filing date, attorney docket number, and Group Art Unit.

In view of the above, it is apparent that the response to the Office action was filed in this Office on May 8, 2007, and due to errors on the part of Applicant and this Office, was inadvertently misplaced. Accord MPEP 502.

Accordingly, the holding of abandonment is hereby withdrawn.

The papers filed May 8, 2007 in application no. 11/783,819 have been removed and entered into application number 11/715,389.

The application will be referred to the Office of Patent Application Processing for processing of the reply to the Notice, 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/715,394	03/08/2007	Tomoo Kawase	MNL-2635-445	5649

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

EXAMINER
DINH, BACH T

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
03/09/2007 CNGUYEN2 00000070 11715394
02 FC:1111 -500.00 OP

Adjustment date: 08/04/2009 BPOWELL
03/09/2007 CNGUYEN2 00000070 11715394
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
08/04/2009 0030072897

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX2021

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/715,398	03/08/2007	Sang-Hoon Lee	15484.014.00	5667

30827 7590 05/27/2008
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
05/27/2008	PAPER

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

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

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wk

Mailed: 5-27-08

In re application of	:	
Sang-Hoon Lee et al.	:	DECISION ON
Serial No. 11/715,398	:	PETITION
Filed: 03/08/2007	:	
For: Washing Machine And Method Of Controlling Spin Drying Thereof	:	

This is a decision on PETITION TO EXPUNGE UNDER 37 C.F.R. 1.59(b), filed January 11, 2008, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the documents submitted on December 21, 2007 be expunged. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase ''and returned '' from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase ''and return '' from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

11/715,398

The images will be removed from the Official file.

Jacqueline M. Stone

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

Gary D. Yacura
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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MOAZZAM & ASSOCIATES, LLC
7601 LEWINSVILLE ROAD
SUITE 304
MCLEAN VA 22102

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APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
POUSTI, Michael et al.	:	
Application No. 11/715,401	:	DECISION ON PETITION
Filed: March 08, 2007	:	TO WITHDRAW
Attorney Docket No. **SMS-101-CIP**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 18, 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 Fariborz Moazzam on behalf of all attorneys of record who are associated with customer No. 39013. 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 Michael Pousti at the address indicated below.

There is an outstanding Office action mailed February 27, 2009 that requires a reply from the 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: **MICHAEL POUSTI**
255 G. STREET
SUITE 723
SAN DIEGO, CA 92101

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Brian L. Michaelis
Seyfarth Shaw LLP
Two Seaport Lane, Suite 300
Boston, MA 02210

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MAR 09 2010

In re Application of	:	
Ohad Paz, et al.	:	
Application No. 11/715,410	:	DECISION ON PETITION
Filed: March 8, 2007	:	TO WITHDRAW
Attorney Docket No. OhadBed	:	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 December 21, 2009.

The request is **NOT APPROVED**.

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

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ATTN: MAQUITA WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
1800 DIAGONAL ROAD, SUITE 600
MAILBOX #119
ALEXANDRIA VA 22314

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
WANG, Dongning et al.	:	
Application No. 11/715,419	:	DECISION ON PETITION
Filed: March 08, 2007	:	TO WITHDRAW
Attorney Docket No. **IP-346A**	:	FROM RECORD

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

The request is **APPROVED**.

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

The request was signed by Robert Dewitty, the sole attorney of record. Robert Dewitty has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Dongning Wang at the address indicated below. There is an outstanding Office action mailed September 04, 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: **DONGNING WANG**
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON
HONG KONG
CHINA

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
MIYAO, HARUHIKO, et al.	:	DECISION ON REQUEST TO
Application No. 11/715,425	:	PARTICIPATE IN PATENT
Filed: March 08, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 062807-0410	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 23, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/03/2010

Applicant	: Wei-Hung Kuo	: DECISION ON REQUEST FOR
Patent Number	: 7626651	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/715,427	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **433** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052-6399

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OFFICE OF PETITIONS

In re Application of	:	
Chen et al.	:	
Application No.: 11/715512	:	DECISION ON
Filing or 371(c) Date: 03/08/2007	:	PETITION
Attorney Docket Number: 318819.01	:	

This is a decision in response to the "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed February 27, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed April 11, 2007. The Notice required replacement claims, and set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on June 12, 2007. A Notice of Abandonment was mailed December 17, 2007.

With the present petition, Applicant has filed replacement claims in 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

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Carrel W. Ewing	:	
Application No. 11/715,521	:	DECISION ON PETITION
Filed: March 7, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 7273-70197-04	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 23, 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 Carrel W. Ewing. 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 2835 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Yosuke Hatao	: DECISION ON REQUEST FOR
Patent Number	: 7616396	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/715,526	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **421** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PATENT LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE, CA 95161

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OFFICE OF PETITIONS

In re Application of	:	
LIANG, Paul Cheng-Po	:	
Application No. 11/715,539	:	DECISION ON PETITION
Filed: March 07, 2007	:	TO WITHDRAW
Attorney Docket No. **56398-0800**	:	FROM RECORD
	:	

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 20, 2009.

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

A review of the file record indicates that the power of attorney to Patent Law Professionals has been revoked by the assignee of the patent application on March 24, 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: **SNELL & WILMER L.L.P. (Panasonic)**
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

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CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND OH 44145

JUL 20 2007

In re Application of: LEMIEUX Serial No.: 11/715,544 Filed: March 7, 2007 Title: ELECTRICAL ENERGY GENERATOR	:	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 7, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was filed with more than twenty total claims. Additionally, the mailing of the Notice to File Missing Parts of Nonprovisional Application mailed by the Office of July 17, 2007 serves as evidence that the application, at the time of filing, must be complete under 37

CFR 1.51 and in condition for examination. Furhtermore, it does not appear that the application was filed electronically using the USPTO's electronic filing system (EFS), or EFS-web.

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

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

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

J. Harrison
Special Program Examiner
Technology Center 3700

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Matthews, Sheppard, McKay & Bruneau, P.A.
29 Thanet Road, Suite 201
Princeton, NJ 08540

COPY MAILED

AUG 25 2008

In re Application of	:	
Ahmed Kamal, et al.	:	
Application No. 11/715,592	:	DECISION ON PETITION
Filed: March 7, 2007	:	TO WITHDRAW
Attorney Docket No. 4752-109 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 December 31, 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 Cynthia Soumoff 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 Cynthia Soumoff at the address indicated below.

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Ahmed Kamal**
Indian Institute of Chemical Technology
Uppal Road
Hyderabad 500 007
Andhra Pradesh,
India

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/715,592	03/07/2007	Ahmed Kamal	4752-109 US

CONFIRMATION NO. 5941

POWER OF ATTORNEY NOTICE

26817
MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.
29 THANET ROAD, SUITE 201
PRINCETON, NJ 08540

OC000000031728068

Date Mailed: 08/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/31/2007.

- 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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Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 05/17/2010

Applicant	: Peter Boyle	: DECISION ON REQUEST FOR
Patent Number	: 7669151	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/715,593	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **390** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/715,616	03/08/2007	R. Stevens Tull	101253-010101	6090

67395 7590 09/08/2008
GREENBERG TRAURIG, LLP
200 PARK AVE.
P.O. BOX 677
FLORHAM PARK, NJ 07932

EXAMINER
AVILA, STEPHEN P

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
09/08/2008	PAPER

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

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

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FROM DIRECTORS OFFICE

SEP 05 2008

TECHNOLOGY CENTER 3600

Greenberg Traurig, LLP
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932

In re application of
R. Stevens Tull
Application No. 11/715,616
Filed: March 8, 2007
For: HARDTOP STRUCTURE FOR BOAT AND METHOD FOR MAKING THE STRUCTURE

DECISION ON PETITION FOR SECOND SUSPENSION OF ACTION UNDER 37 CFR 1.103 (a)

This letter is responsive to the petition for a second suspension of action under 37 CFR 1.103(a) received on August 1, 2008.

The petition for suspension of action under 37 CFR 1.103(a) is **DENIED**.

A grantable petition for suspension of action under 37 CFR 1.103(a) requires:

1) A showing of good and sufficient cause for suspension of action, and
2) The fee set forth in 37 CFR 1.17(g), unless such cause is the fault of the Office.

The instant application claims priority to 11/019,704 which was abandoned unintentionally. Applicant filed a petition on February 4, 2008 to suspend action by the examiner until a decision on a petition for revival of the '704 application is rendered. A decision granting a 6 month suspension was mailed March 18, 2008. In the latest petition filed August 1, 2008, the applicant requests an additional 6 month suspension "to provide sufficient time for the Patent and Trademark Office to process a Renewed Petition For Revival of an Application for Patent Abandoned Unintentionally".

A review of the '704 application reveals that the renewed petition to revive under 37 CFR 1.137(b), filed June 27, 2008 was granted on August 5, 2008. As there being no other good and sufficient cause for suspension for action, applicant's petition is denied.

Accordingly, the application will be forwarded to the examiner for consideration of the amendment filed February 4, 2008.

Any questions surrounding this decision should be directed to Quality Assurance Specialist Teri P. Luu at (571) 272-7045.

Donald Hajec, Director
Technology Center 3600
(571) 272-5150

tpl: 09/02/08

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Eric Ernest Maria Verstraeten	: DECISION ON REQUEST FOR
Patent Number	: 7604238	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/715,618	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **428** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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EDWARD P. DUTKIEWICZ, ESQ.
EDWARD P. DUTKIEWICZ, P.A.
640 DOUGLAS AVENUE
DUNEDIN, FL 34698-7001

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JUN 1 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Inna Lilova	:	
Application No. 11/715,641	:	DECISION ON PETITION
Filed: March 8. 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 8, 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 applicant's drivers license. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3765 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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BRUCE L. ADAMS, ESQ.
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Makoto Kurihara	: DECISION ON REQUEST FOR
Patent Number	: 7582906	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/715,682	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **189** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APR 26 2010

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MYERS, BIGEL, SIBLEY & SAJOVEC, PA
P.O. BOX 37428
RALEIGH, NC 27627

In re Application of
David Todd Emerson, et al.
Application No. 11/715,687
Filed: March 8, 2007
Attorney Docket No. 5308-457IP

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 21, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

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

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

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be 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 April M. Wise at (571) 272-1642. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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PO BOX 37428
RALEIGH, NC 27627

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of
David Todd Emerson, et al.
Application No. 11/715,687
Filed: March 8, 2007
Attorney Docket No. 5308-457IP

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 May 6, 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 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.

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 April M. Wise at (571) 272-1642. 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 2822 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.

/dab/
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
11/715,687	03/08/2007	2822	3730	5308-457IP	60	6

CONFIRMATION NO. 6064

CORRECTED FILING RECEIPT

65106
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

OC000000042088423

Date Mailed: 06/15/2010

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

Applicant(s)

David Todd Emerson, Durham, NC;
Kevin Haberern, Cary, NC;
Michael John Bergmann, Chapel Hill, NC;
David B. Slater JR., Raleigh, NC;
Matthew Donofrio, Raleigh, NC;
John Edmond, Durham, NC;

Power of Attorney: The patent practitioners associated with Customer Number 65106

Domestic Priority data as claimed by applicant

This application is a CIP of 10/881,814 06/30/2004 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 04/18/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/715,687**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

LIGHT EMITTING DEVICES HAVING CURRENT REDUCING STRUCTURES AND METHODS OF FORMING LIGHT EMITTING DEVICES HAVING CURRENT REDUCING STRUCTURES

Preliminary Class

257

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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Pepper Hamilton, LLP
One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219

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JUL 1 4 2009

OFFICE OF PETITIONS

In re Application of	:	
David W. Henry et al.	:	
Application No. 11/715,712	:	DECISION ON PETITION
Filed: March 8, 2007	:	
Attorney Docket No. 4065	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 6, 2009. Accordingly, the date of abandonment of this application is May 7, 2009. A Notice of Abandonment was mailed on June 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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

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United States Patent and Trademark Office
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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: David W. Henry	: DECISION ON REQUEST FOR
Patent Number	: 7581962	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/715,712	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEBORAH W WENOCUR
4057 AMARANTA AVE
PALO ALTO CA 94306

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JAN 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Eliezer Rosengaus	:	
Application No. 11/715,804	:	ON PETITION
Filed: March 8, 2007	:	
Attorney Docket No. P1717	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 18, 2007.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed March 29, 2007. This Notice set an extendable period for reply of two (2) months for applicants to submit an $50 fee for additional claims. No reply having been received, the application became abandoned on May 30, 2007. The Office mailed a Notice of Abandonment on December 6, 2007.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay, and submitted the $50 fee for additional claims

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Davidson, Davidson & Kappel, LLC
485 17th Avenue
14th Floor
New York NY 10018

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of

William Stonecypher :

Application No. 11/715,809

: DECISION ON PETITION

Filed: March 8, 2007

:

Attorney Docket No. 294.1005CON

This is a decision on the petition under 37 CFR 1.137(b), filed January 7, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 26, 2007, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 27, 2007.

The continuing application 12/006,882, is noted.

The request for an extension of time within the third month is noted, but cannot be granted as the request was made outside the maximum statutory period for reply to the non-final Office action. The amount of $525.00 will refunded, in due course.

The application is being forwarded to Technology Center 3600, GAU 3637 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

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Alexandria, VA 22313-1450
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KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

JUL -9 2009

In re Application of	:	
MEINTSCHEL, JENS et al.	:	
Application No.: 11/715,837	:	DECISION ON
Filing or 371(c) Date: 03/17/08	:	PETITION
Attorney Docket Number: MB 620	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed June 24, 2009.

This petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed February 24, 2009.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

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

Mail Date: 04/20/2010

Applicant	: Kosuke Sakamoto	: DECISION ON REQUEST FOR
Patent Number	: 7633257	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/715,849	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **299** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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AUG 17 2009

OFFICE OF PETITIONS

LYDIA M. DE JESUS
801 FLORAL PL. NW
WASHINGTON DC 20012

In re Application of	:	
COLLINS, Dennis G.	:	
Application No. 11/715,909	:	DECISION ON PETITION
Filed: March 09, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 002.dc	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July14, 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 attesting that Raymond P. Vito is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2624 for action on the merits commensurate with this decision.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

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MAR 19 2009

OFFICE OF PETITIONS

In re Application of :
Ciro **PASINI** :
Application No. 11/715,954 : DECISION ON PETITION
Filed: March 9, 2007 : UNDER 37 CFR 1.313(a)
Attorney Docket No. **62-333-DIV** :

This is a decision on the petition under 37 CFR 1.313(a), filed March 16, 2009, 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 March 16, 2009.

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 received.

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).

The issue fee in this application was received on February 20, 2009. If the IDS is not favorably considered by the examiner, petitioner may wish to file a petition under 37 CFR 1.313(c)(2).

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

This matter is being referred to Technology Center AU 2831 for appropriate action on the IDS filed March 16, 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

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JUL 16 2008

OFFICE OF PETITIONS

In re Application of :
Ciro Pasini :
Application No. 11/715,955 :
Filed: March 9, 2007 :
Attorney Docket No. 95-125 :

ON PETITION

This is a decision on the petition filed February 27, 2008 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed November 13, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 14, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/715,995	03/09/2007	Hisao Yamamoto	Q97331	6234

23373 7590 04/17/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
ROBINSON, CHANCEITY N

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
04/17/2009	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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APR 17 2009

chk

In re application of	YAMAMOTO et al.	:
Serial no.	11715,995	: DECISION
Filed:	March 9, 2007	: ON
		: PETITION
		:
For: PHOTOSENSITIVE RECORDING MATERIAL, PLANOGRAPHIC PRINTING PLATE PRECURSOR, AND A STACK FOR THE SAME		:

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION dated December 11, 2008.

A non-final office action rejecting claims 1-14 was mailed on May 28, 2008. Applicant responded arguing the section 102 and section 103 rejections and adding new claim 15. The examiner mailed a final office action rejecting claims 1-14 on December 11, 2008. Claims 1, 6-11 and 13 were rejected over Kunida under section102 (b). Claims 2-5 and were rejected under section 103 over Kunida in view of Yamamoto. Claims 12 and 14 were rejected under section 103 over Kunida in view of Shimada.

Petitioner argues that the examiner has not pointed out how Kunida meets the limitation of dyes being contained in an overcoat layer. Also, petitioner argues that the Statement of Common Ownership was made in response to the 103 rejection of Kunida over Shimada but the rejection was not withdrawn. Petitioner further argues that new claim 15 was left untreated.

The MPEP in 706.07(d), states:
If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection.

DECISION

The finality of the office action mailed December 11, 2008 was premature as the examiner did not include new claim 15 in any rejection. Also, the examiner did not consider the statement of common ownership. The examiner made an attempt to explain the overcoat limitation in the 103.

The petition is **GRANTED.**

The application has been forwarded to the examiner for review and completion of a proper office action.

Gregory Mills
Acting Director, Technology Center 1700
Chemical and Materials Engineering

Jennifer Hayes
SUGHRUE MIONPLLC
2100 PENNSYLVANIA AVE. NW
WASHINGTON DC 20037-3213

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OFFICE OF PETITIONS

VEDDER PRICE, PC
875 15TH STREET, NW
SUITE 725
WASHINGTON DC 20005

In re Application of	:	
HUNTER, Susan et al.	:	
Application No. 11/716,002	:	DECISION ON PETITION
Filed: March 09, 2007	:	TO WITHDRAW
Attorney Docket No. **INPH-0015-UT1**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2008.

The request is **APPROVED**.

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

Steven B. Kelber has been withdrawn as attorney or agent of record; all other attorneys remain of record.

There is an outstanding Office action mailed September 11, 2009 that requires a reply from the applicant.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Hong Su	: DECISION ON REQUEST FOR
Patent Number	: 7644062	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,010	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **314** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Tyco Healthcare Group LP
60 Middletown Avenue
North Haven, CT 06473

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OFFICE OF PETITIONS

In re Application of	:	
Roger J. Talish, et al.	:	
Application No. 11/716,075	:	DECISION ON PETITION
Filed: March 8, 2007	:	TO WITHDRAW
Attorney Docket No. 1429-62	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 12, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Tyco Healthcare Group LP does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Carter, DeLuca, Farrell & Schmidt, LLP**
Suite 225
445 Broad Hollow Road
Melville, NY 11747

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MICHAEL RIES
318 PARKER PLACE
OSWEGO IL 60543

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SEP 1 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Jose V. **MARTIN**	:	
Application No. 11/716,076	:	DECISION ON PETITION
Filed: March 08, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **JM0307**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 21, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The evidence submitted with the instant petition includes a copy of Jose Martin's birth certificate indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3661 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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MOBIL OIL CORPORATION
Office of Legal Counsel
Intellectual Property
3225 Gallows Road
Fairfax, VA 22037

Mail Date: 05/07/2010

Applicant	: Stephen H. Brown	: DECISION ON REQUEST FOR
Patent Number	: 7626066	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/716,088	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **64** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

Mail Date: 07/14/2010

Applicant	: Brook Kennedy	: DECISION ON REQUEST FOR
Patent Number	: 7640617	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/716,098	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **117** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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XIAOKE YANG
47 JOYCE LANE
BOXBOROUGH MA 01719

COPY MAILED

JAN 3 1 2008

OFFICE OF PETITIONS

In re Application of
Xiaoke Yang
Application No. 11/716,102
Filed: March 10, 2007
Title of Invention: **KNIFE ATTACHMENT PREVENTING FOOD STICKING TO KNIFE SURFACE**

ON PETITION

This is a decision on the petition filed January 7, 2008 to withdraw the holding of abandonment, which is treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned on May 30, 2007 after the applicant failed to file a timely response to the Notice to File Corrected Application Papers mailed March 29, 2007. Accordingly, a Notice of Abandonment was mailed December 5, 2007.

Petitioner argues that the Notice mailed March 29, 2007 was not received.

A review of the file reveals that the Notice to File Corrected Application Papers was mailed to the address of record on March 29, 2007, the same address to which the Notice of Abandonment was mailed. There doesn't appear to be any irregularity in the mailing of the Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the inventor that the Office communication was not received and attesting to the fact that a search of the docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and

docketed must be attached to and referenced in petitioner's statement.[1]

It is understood that petitioner is prosecuting this application as a *pro se* inventor and that *pro se* applicants may not have as elaborate a docketing system as a law firm. This does not warrant a total waiver of the requirement of a showing that includes copies of docket records or an adequate proxy for such copies. A *pro se* applicant should have some written records evidencing receipt of communications from and mailing of communications to the Office available to provide proof of nonreceipt. It is suggested that pro se applicants maintain a log of communications from and to the Office, with dates of receipt, due dates and mailing dates of responses and other papers filed noted. Furthermore, applicants may maintain entries on the file jackets noting these important dates. Absent such evidence, applicants may not be able to overcome the presumption that the correspondence was properly mailed and received at the correspondence address of record and thereafter, misplaced by applicants.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)[2] or 37 CFR 1.137(b),[3] which now provides that where the delay in reply was unintentional, a

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[1]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).

[2]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional 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 continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

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).

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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OFFICE OF PETITIONS

XIAOKE YANG
47 JOYCE LANE
BOXBOROUGH MA 01719

In re Application of
Xiaoke Yang
Application No. 11/716,102
Filed: March 10, 2007
Title of Invention: **KNIFE ATTACHMENT PREVENTING FOOD STICKING TO KNIFE SURFACE**

ON PETITION

This is a decision on the renewed petition filed February 21, 2008, under 37 CFR 1.181, to withdraw the holding of abandonment, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on May 30, 2007 after the applicant failed to file a timely response to the Notice to File Corrected Application Papers mailed March 29, 2007. Accordingly, a Notice of Abandonment was mailed December 5, 2007. A petition filed January 7, 2008 was dismissed in a decision mailed January 31, 2008 because although petitioner argued that the Notice mailed March 29, 2007 was not received, no showing of non-receipt was established.

Comes now petitioner with the instant renewed petition and copies of a docket record, wherein receipt of the Notice to File Corrected Application Papers mailed March 29, 2007 would have been filed, had it been received. To show that the Office Action mailed March 29, 2007 was not received, petitioner also explains that after searching the docket and file jacket it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Notice to File Corrected Application Papers mailed March 29, 2007, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Notice to File Corrected Application Papers.

In view of the facts set forth in the petition, it is concluded that the Notice to File Corrected Application Papers was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

The instant matter is being referred to the Office of Patent Application Processing for a re-mailing of the Notice to File Corrected Application Papers and for a restarting of the period for response.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD, SUITE 1000
DALLAS TX 75252

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JAN 16 2009

OFFICE OF PETITIONS

In re Application of
Chao-Shun Hsu et al.
Application No. 11/716,104
Filed: March 9, 2007
Attorney Docket No: TSM06-0548

: DECISION GRANTING PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed December 19, 2008 under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Notice of Allowance and to pay the Issue Fee due November 10, 2008.

The file record discloses that the Notice of Allowance was mailed August 8, 2007 to the address of record but was returned to the USPTO by the United States Postal Service on August 11, 2007 and no apparent reason can be determined since it appears that the address of record was placed on the correspondence. However, petitioner argues that it wasn't received until November 17, 2008, after the due date for reply and has submitted copies of their docket to substantiate their claim.

In view of the facts set forth in the petition and the fact that the Notice of Allowance was not received until after the due date and while it doesn't appear that any action of the petitioner caused the office action to not be received, the holding of abandonment is withdrawn. As no petition fee is due, no petition fee has been charged.

Since the issue fee was tendered on December 19, 2008, this matter is being referred to the Publishing Division to be processed into a Patent. All other inquiries regarding this decision may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

In re Application of Polivka et al. :
Application No. 11/716,110 : Decision on Petition
Filing Date: March 8, 2007 :
Attorney Docket No. 005510.P076C :

This is a decision in response to the petition filed September 19, 2007, which is being treated as a petition to vacate the "Notice of Omitted Item(s) in a NonProvisional Application" mailed July 16, 2007.

The petition is **granted**.

The application was filed March 8, 2007.

The Office of Initial Patent Examination mailed a Notice of Omitted Items on July 16, 2007. The Notice stated Figures 2 and 3 of the drawings did not appear to be part of the application as filed. In response, the present petition was filed. Petitioner alleges Figures 2 and 3 of the drawings were filed with the original application.

The Office has been able to locate Figures 2 and 3 of the drawings filed on March 8, 2007. Therefore, the petition is granted. The Notice mailed July 16, 2007, was sent in error and is hereby vacated.

The petition fee of $400 has been credited to petitioner's deposit account.

The Office of Patent Application Processing will be informed of the instant decision and will process the application with a filing date of March 8, 2007, using the application papers mailed March 8, 2007, including the two drawing sheets containing Figures 2 and 3.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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THE LAW OFFICES OF
ANDREW D. FORTNEY, PH.D., P.C.
401 W. FALLBROOK AVE., SUITE 204
FRESNO, CA 93711-5835

MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Hsin-Hung LEE, et al	:	
Application No. 11/716,111	:	DECISION ON PETITION
Filed: March 8, 2007	:	TO WITHDRAW
Attorney Docket No. 5QUANTA200606US	:	FROM RECORD
	:	

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Andrew D. Fortney on behalf of the attorneys of record associated with Customer No. 36872.

The attorneys of record associated with Customer No. 36872 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 signing inventor at the address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HSIN-HUNG LEE
NO. 21, LANE 101
CISHENG ST., FONGSHAN CITY
KAOHSIUNG COUNTY 830
TAIWAN (R.O.C.)

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
11/716,111	03/08/2007	Hsin-Hung Lee	5QUANTA200606US

CONFIRMATION NO. 5864

POWER OF ATTORNEY NOTICE

36872
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

OC000000035881650

Date Mailed: 05/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/10/2009.

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

/dcgoodwyn/

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

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Emmanuel P. Quevy	: DECISION ON REQUEST FOR
Patent Number	: 7639104	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,115	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

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APR 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Greg A. ROSENBERG et al.	:	
Application No. 11/716,121	:	DECISION ON PETITION
Filed: MARCH 08, 2007	:	TO WITHDRAW
Attorney Docket No. 324212016700	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed March 24, 2010.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Customer No. 25226 does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **YAHOO! INC.**
701 FIRST AVENUE
SUNNYVALE, CA 94089

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MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA PA 19103-2921

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JUL 21 2008

In re Application of	:	
Vijai Kumar, et al.	:	
Application No. 11/716,122	:	DECISION GRANTING PETITION
Filed: March 9, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 060525-5001-02	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 6, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1616 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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

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JUN 03 2010

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

In re Application of	:	
Homayoon Kazerooni et al.	:	
Application No. 11/716,135	:	DECISION ON PETITION
Filed: March 9, 2007	:	TO WITHDRAW
Attorney Docket No. 416272062100	:	FROM RECORD
	:	

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 5, 2010.

The request is **APPROVED**.

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

The request was signed by Peter J. Yim on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: The Regents of the University of California
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

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
11/716,135	03/09/2007	Homayoon Kazerooni	416272062100

CONFIRMATION NO. 6731

POWER OF ATTORNEY NOTICE

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

OC000000041918420

Date Mailed: 06/03/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/05/2010.

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

/kainabinet/

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

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P.O. BOX 226
FORT WASHINGTON, PA 19034

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JUN 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony D. KURTZ, et al	:	
Application No. 11/716,138	:	DECISION ON PETITION
Filed: March 9, 2007	:	TO WITHDRAW
Attorney Docket No. KULITE-109-CON	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2008.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, files were reassigned and transferred, does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

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MISSION VIEJO CA 92691

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JUL 23 2009

OFFICE OF PETITIONS

In re Application of
VERHEEM, Johann
Application No. 11/716,155
Filed: March 08, 2007
Attorney Docket No. **212/989**

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 12, 2009 and re-submitted 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 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 Paul Backofen on behalf of all attorneys of record who are associated with customer No. 23371. All attorneys/agents associated with the Customer Number 23371 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 Johann Verheem at the address indicated below. There is an outstanding Office action mailed April 02, 2009 that requires a reply from the applicant.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JOHANN B. VERHEEM**
2387 LA MIRADA DRIVE
VISTA CA 92081

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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

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DEC 09 2009

OFFICE OF PETITIONS

In re Application of
Johann Verheem
Application No. 11/716,155
Filed: March 8, 2007
Atty Docket No. 93196U

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition, filed October 2, 2009, under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

Additionally, the nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3694 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/716,155	03/08/2007	3694	500	93196U	8	1

CONFIRMATION NO. 5970

CORRECTED FILING RECEIPT

20529
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

OC000000039111661

Date Mailed: 12/07/2009

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)

Johann Verheem, San Clemente, CA;

Power of Attorney: The patent practitioners associated with Customer Number 20529

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/902,800 02/21/2007

Foreign Applications

If Required, Foreign Filing License Granted: 03/30/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/716,155**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Method and apparatus for value and or revenue sharing by commerce participants

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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Pezhman Monadgemi	: DECISION ON REQUEST FOR
Patent Number	: 7659150	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,156	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **152** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

Bingham McCutchen LLP
Suite 4400
355 South Grand Avenue
Los Angeles CA 90071

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of :
Zea Borok et al. : DECISION ON PETITION
Application No. 11/716,173 :
Filed: March 9, 2007 :
Atty Docket No. 701262-5001 :
Title: LENTIVIRUS VECTORS FOR :
GENE TRANSFER TO ALVEOLAR :
EPITHELIAL CELLS :

This is a decision on the "37 CFR 1.57(a) PETITION TO ACCORD THE FILING DATE AND AMEND THE APPLICATION," filed June 1, 2007, requesting that the above-referenced application be accorded a filing date of March 9, 2007. This petition is being treated pursuant to 37 C.F.R. § 1.53(e)(2)[1].

Application papers in the above-identified application were filed on March 9, 2007. However, on April 3, 2007, the Initial Patent Examination Division 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 as prescribed by 35 U.S.C. § 113. In addition, the oath or declaration was missing.

---

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 37 C.F.R. § 1.17(f). In the absence of a timely (37 C.F.R. § 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.

In response, applicants timely filed this petition. Applicants acknowledge inadvertently omitting a copy of the drawings from the present divisional application. Applicants argued, however, that the filing date of March 9, 2007, should still be accorded pursuant to 37 C.F.R. § 1.57(a)(3).

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 37 C.F.R. § 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.

To the extent the present petition requests a filing date of March 9, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee will be refunded to Deposit Account No. 50-4047, as authorized, in due course.

The Office of Initial Patent Examination (OIPE) will be advised of this decision. Pursuant to this decision, the application will be referred to OIPE for:

X **correction of the filing date to March 9, 2007**;
X **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
X **for issuance of a filing receipt**.

It is noted that Petitioner has submitted 6 pages of drawings concurrently with the present petition, however it does not appear that Petitioner has submitted an amendment that directs the entry of these drawings into the present application. If Petitioner desires for the Examiner to consider the missing pages which were not submitted as part of the original disclosure, then Petitioner may submit those pages as an amendment. Any such amendment will, of course, be reviewed by the examiner for new matter[2]. The amendment is not new matter if the substance was a part of the disclosure of the prior application.

It is further noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

---

2 See MPEP 608.02(h) and 608.04.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Charles Pearson
Director
Office of Petitions

cc: Jennifer Phelps
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco CA 94111

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HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of	:	
James A. Old	:	
Application No. 11/716,180	:	DECISION ON PETITION
Filed: March 9, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. OLD-00401	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 9, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by applicant. 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 3618 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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FARRIS LAW, P.C.
5291 COLONY DRIVE NORTH
SAGINAW MI 48638

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Misenhelder et al.	:	
Application No. 11/716,184	:	ON PETITION
Filed: March 9, 2007	:	
Attorney Docket No. 7482.3001.002	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue fee (previously submitted on January 11, 2009), (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 Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

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F. LINDSEY SCOTT
LAW OFFICE OF F. LINDSEY SCOTT
2329 COIT ROAD, SUITE B
PLANO, TX 75075-3796

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of

CHAN, Albert F.
Application No. 11/716,192
Filed: March 9, 2007
Attorney Docket No. CHAN-25,932

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 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 F. Lindsey Scott on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Albert F. Chan at the 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: ALBERT F. CHAN
1504 GLASTONBURY DRIVE
PLANO, TX 75075

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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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Jonathan O. Owens
HAVERSTOCK & OWENS LLP
162 North Wolfe Road
Sunnyvale CA 94086

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DEC 0 9 2008

OFFICE OF PETITIONS

In re Application of
Jonathan Jiannjang Huang, et al.
Application No. 11/716,197
Filed: March 8, 2007
Attorney Docket No. SONY-33100

NOTICE

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

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

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

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

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

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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BURLESON COOKE L.L.P.
2040 NORTH LOOP 336 WEST
SUITE 123
CONROE TX 77304

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of :
GOLDING et al. :
Application No. 11/716,205 : DECISION ON PETITION
Filed: 04/19/2007 :
Attorney Docket No. 01.1001.02 :

This is a decision on the petition filed June 5, 2007, requesting that the above-identified application be accorded a filing date of March 9, 2007, instead of the present filing date of April 19, 2007.

On March 9, 2007, applicants deposited the above-identified application. On April 19, 2007, applicants submitted a letter to the USPTO, stating that their return postcard receipt indicated that the USPTO did not receive the specification (16 pages) with the application papers. Applicants also provided the USPTO a copy of the specification and the annotated return postcard receipt at the request of the Office.

On May 11, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date as the specification was missing (and at least one claim) and that the filing date would be the date of receipt of the omitted item(s). Additionally, Notice of Incomplete required applicants to submit replacement drawings. In a separate communication dated May 11, 2007, the Office mailed a Notice to File Corrected Application Papers – Filing Date Granted, indicating that the application had been accorded a filing date but it was informal. The Notice to File Corrected Application Papers set a two-month extendable period to file replacement drawings in compliance with 37 CFR 1.84 and 1.121(d). Lastly, the USPTO mailed a filing receipt to applicants dated May 11, 2007, which indicated that the Office had accorded the present application a filing date of April 19, 2007; the date applicants filed the specification.

On June 5, 2007, applicants submitted the present petition, a $400.00 petition fee, 7 sheets of replacement drawings, an executed declaration, and a copy of the Express Mail mailing label showing a date-in of March 9, 2007. Additionally, applicants provided a copy of each piece of correspondence showing a certificate of mailing of March 9, 2007, and an "Application Data Sheet" listing the documents mailed on March 9, 2007.

In the petition, applicants requested that the Office correct the filing date of the application to March 9, 2007. Applicants asserted that they placed a certificate of mailing of March 9, 2007, on each piece of correspondence prior to the original mailing. Applicants requested that "a filing date be accorded that is consistent with the date that the pieces of correspondence were dated by the USPS." *Petition dated 06/05/07, p. 2.* Applicants indicated that they included a copy of the USPS Express Mail Customer Copy with a date-in of March 9, 2007, to show the correct filing date of the application (i.e. March 9, 2007).

Initially, the Office notes that the listing of papers on the "Application Data Sheet" is evidence of what applicants intended to submit to the USPTO and not what was actually submitted. Furthermore, pursuant to 37 CFR 1.10, correspondence deposited with the USPS, and which is actually received by the USPTO, will receive the deposit date, *i.e.* "date-in", as its filing date. However, in this instance, the USPTO has indicated that the specification appears to have been omitted from the application papers as filed. Accordingly, compliance with 37 CFR 1.10 is not evidence that the specification was actually filed and received by the USPTO with the application papers on March 9, 2007.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals that the specification was not located among the application papers on March 9, 2007. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Pursuant to MPEP 503, a receipt for any paper or fee filed in the USPTO may be obtained by enclosing with the items a stamped, self-addressed postcard, which specifically identifies the items. A postcard receipt that itemizes and properly identifies the items that are being filed, serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped by the USPTO. Id. Upon receipt of the items, the employee receiving the items in the USPTO will compare the listing on the postcard against the actual items delivered to the USPTO. Id. If there are any discrepancies between the detailed listing on the postcard and the actual content of the items received in the USPTO, those items will be crossed off and noted on the postcard. Id. The postcard will be returned by mail to the addressee whose name appears on the postcard. The return postcard will serve as evidence of receipt in the USPTO of all items listed on the postcard, except those items noted by the USPTO. That is, if the postcard receipt has been annotated to indicate that a particular paper was not received in the USPTO, the postcard receipt will not serve as evidence of receipt of that paper in the USPTO.

As applicants' return postcard receipt contains an annotation by a USPTO employee, indicating that the specification was not received in the USPTO, it cannot serve as *prima facie* evidence that the specification was filed in the USPTO on March 9, 2007. Accordingly, the petition is **dismissed**. The Office will not refund the $400.00 petition fee.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

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

By mail: Mail Stop 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

Additionally, correspondence may be submitted electronically via EFS-Web.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of **April 19, 2007.**

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BURLESON COOKE L.L.P.
2040 NORTH LOOP 336 WEST
SUITE 123
CONROE TX 77304

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DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
GOLDING et al.	:	
Application No. 11/716,205	:	DECISION ON PETITION
Filed: April 19, 2007	:	
Attorney Docket No. 01.1001.02	:	

This is a decision on the "Request for Reconsideration and Further Investigation," filed October 23, 2007.

On March 9, 2007, applicants deposited the above-identified application. On April 19, 2007, applicants submitted a letter to the USPTO, stating that their return postcard receipt indicated that the USPTO did not receive the specification (16 pages) with the application papers. Applicants also provided the USPTO with a copy of the specification and the annotated return postcard receipt at the request of the Office.

On May 11, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date as the specification was missing (and at least one claim) and that the filing date would be the date of receipt of the omitted item(s). Additionally, Notice of Incomplete required applicants to submit replacement drawings. In a separate communication dated May 11, 2007, the Office mailed a Notice to File Corrected Application Papers – Filing Date Granted, indicating that the application had been accorded a filing date but it was informal. The Notice to File Corrected Application Papers set a two-month extendable period to file replacement drawings in compliance with 37 CFR 1.84 and 1.121(d). Lastly, the USPTO mailed a filing receipt to applicants dated May 11, 2007, which indicated that the Office had accorded the present application a filing date of April 19, 2007; the date applicants filed the specification.

On June 5, 2007, applicants filed a petition requesting that the Office accord the application a filing date of March 9, 2007, which was dismissed by the decision of October 5, 2007. On October 23, 2007, applicants filed the present petition requesting that the Office reconsider the decision of October 5, 2007, and accord the application a filing date of March 9, 2007. Applicants' attorney asserts that he is "absolutely sure" that the specification was sent to the USPTO on March 9, 2007, and was subsequently lost in the USPTO. Applicants ask that the USPTO take all necessary steps to locate the missing specification. Specifically, applicants request that the Office take the following actions:

- Determine whether the PTO has retained the hard copy of the original application.
- Investigate the scanning process to determine how the PTO could have placed the file of the missing specification into another electronic file.
- If the hard copies of the specifications were retained, investigate where the hard copy file of the subject specification may have been placed, so that the other file can be searched for the missing specification.
- Any other step that the patent office may consider to recover the missing specification.

Petition dated October 23, 2007, pp 1-2.

The Office reminds applicants that the Image File Wrapper is the official record of the application. A petitioner alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. Nevertheless, as requested by applicants, the original application as filed on March 9, 2007, was retrieved from storage and its contents were carefully reviewed. Unfortunately, no specification was located among the papers submitted on March 9, 2007, which is consistent with applicants' annotated returned, date-stamped postcard receipt and the official record. Therefore, the Office concludes that the allegations made in the petition were not supported by a preponderance of the evidence. Accordingly, the petition is **DISMISSED**.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

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

By mail: Mail Stop 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

Additionally, correspondence may be submitted electronically via EFS-Web.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BURLESON COOKE L.L.P.
2040 NORTH LOOP 336 WEST
SUITE 123
CONROE TX 77304

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JAN 25 2008

OFFICE OF PETITIONS

In re Application of :
GOLDING et al. :
Application No. 11/716,205 : DECISION ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. 01.1001.02 :

This is a decision on the "Request for Reconsideration," filed January 4, 2008, requesting that the application be accorded a filing date of March 9, 2007, instead of the current filing date of April 19, 2007.

The petition is dismissed.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.53(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit will be granted. The petition for reconsideration must include an exhaustive attempt to provide the necessary documentary showing because **the Director will not undertaken any further reconsideration or review of the matter after a decision on the petition for reconsideration.**

On March 9, 2007, applicants deposited the above-identified application. On April 19, 2007, applicants submitted a letter to the USPTO, stating that their return postcard receipt indicated that the USPTO did not receive the specification (16 pages) with the application papers. Applicants also provided the USPTO with a copy of the specification and the annotated return postcard receipt at the request of the Office.

On May 11, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date as the specification was missing (and at least one claim) and that the filing date would be the date of receipt of the omitted item(s). Additionally, Notice of Incomplete required applicants to submit replacement drawings. In a separate communication dated May 11, 2007, the Office mailed a Notice to File Corrected Application Papers – Filing Date Granted, indicating that the application had been accorded a filing date but it was informal. The Notice to File Corrected Application Papers set a two-month extendable period to file replacement drawings in compliance with 37 CFR 1.84 and 1.121(d). Lastly,

the USPTO mailed a filing receipt to applicants dated May 11, 2007, which indicated that the Office had accorded the present application a filing date of April 19, 2007; the date applicants filed the specification.

On June 5, 2007, applicants filed a petition requesting that the Office accord the application a filing date of March 9, 2007, which was dismissed by the decision of October 5, 2007. On October 23, 2007, applicants filed a petition requesting that the Office reconsider the decision of October 5, 2007, and accord the application a filing date of March 9, 2007. In the petition of October 23, 2007, applicants' attorney asserted that he was "absolutely sure" that the specification was sent to the USPTO on March 9, 2007, and was subsequently lost in the USPTO. Applicants asked that the USPTO take all necessary steps to locate the missing specification. Specifically, applicants requested that the Office take the following actions:

- Determine whether the PTO has retained the hard copy of the original application.
- Investigate the scanning process to determine how the PTO could have placed the file of the missing specification into another electronic file.
- If the hard copies of the specifications were retained, investigate where the hard copy file of the subject specification may have been placed, so that the other file can be searched for the missing specification.
- Any other step that the patent office may consider to recover the missing specification.

Petition dated October 23, 2007, pp 1-2.

The Office reminded applicants that the Image File Wrapper is the official record of the application. A petitioner alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. Nevertheless, as requested by applicants, the original application as filed on March 9, 2007, was retrieved from storage and its contents were carefully reviewed. Unfortunately, no specification was located among the papers submitted on March 9, 2007, which is consistent with applicants' annotated returned, date-stamped postcard receipt and the official record. Therefore, the Office concluded that the allegations made in the petition were not supported by a preponderance of the evidence. Accordingly, the petition of October 23, 2007, was dismissed by the decision of December 5, 2007.

On January 4, 2008, applicants filed the present petition and the Affidavits of practitioner, Claude E. Cooke, Jr., and Terri Denise Grissom, a Legal Assistant for Burleson Cooke L.L.P. In the present petition, applicants averred:

> ...These affidavits state the facts surrounding the preparation and mailing of the subject application. These affidavits prove by a preponderance of the evidence that the specification to the application was mailed on March 9, 2007, along with the other documents related to the application.

> The facts stated in the affidavits show that it is unreasonable to believe that a 16-page specification of the application would not have been included in the envelope mailed. The envelope included an Application Data Sheet, Drawings (7 pages), Power of Attorney and other documents. It is also unreasonable to believe that such a document, had it been inadvertently omitted from the envelope, would not have been found in the offices of the attorney.

Petition dated 01/04/08, p.1.

The Office has thoroughly reviewed the Affidavits of Mr. Cooke and Ms. Grissom, in which they explained the preparation and mailing of the original application and recited their personal recollections of what was contained in the application that they reviewed and/or mailed. However, such recollections are not *prima facie* evidence of receipt of the omitted specification in the USPTO on filing and are no more persuasive of what was actually mailed than the contents of the official record of the USPTO.

Accordingly, the petition is dismissed.

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

Additionally, correspondence may be submitted electronically via EFS-Web.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Carter, Deluca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 420
Melville, NY 11747

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Titi Trandafir	:	
Application No. 11/716,213	:	DECISION ON PETITION
Filed: March 8, 2007	:	TO WITHDRAW
Attorney Docket No. 1429.37	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2009.

The request is **NOT APPROVED**.

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 attorneys for this application were not appointed to customer number 50855.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. A courtesy copy will be mailed to the address noted on the request to withdraw. If this firm would like to receive future correspondence regarding this application, the proper power of documents must be submitted.

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

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Juvent, Inc.
300 Atrium Drive
Suite 210
Somerset, NJ 08873

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Carter, Deluca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 420
Melville, NY 11747

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APR 27 2009

OFFICE OF PETITIONS

In re Application of
Titi Trandafir
Application No. 11/716,213
Filed: March 8, 2007
Attorney Docket No. 1429.37

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 April 9, 2009.

The request is **APPROVED**.

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

The request was signed by R. David M. Carter on behalf of attorney/agents associated with customer number 31554. All attorneys/agents associated with customer number 31554.

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 address of the inventor at the first copied address below, since no assignee has properly intervened in this application. 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 a 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: Titi Trandafir
1101 Joseph Court
S. Plainfield, NJ 07080-2354

cc: Juvent, Inc.
300 Atrium Drive, Suite 210
Somerset, NJ 08873

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/716,213	03/08/2007	Titi Trandafir	1429-37

CONFIRMATION NO. 7288

POWER OF ATTORNEY NOTICE

OC000000035671534

31554
CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE, NY 11747

Date Mailed: 04/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/09/2009.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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PITNEY BOWES INC.
35 WATERVIEW DRIVE
P.O. BOX 3000
MSC 26-22
SHELTON, CT 06484-8000

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NOV 2 3 2007

OFFICE OF PETITIONS

In re Application of

Douglas B. Quine
Application No. 11/716,219
Filed: March 9, 2007
Attorney Docket No. F-323-C2

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 28, 2007.

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

A review of the file record indicates that the power of attorney to Robert E. Meyer and all attorneys/agents of record has been revoked by the assignee of the patent application on September 27, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

There are no outstanding Office actions at this time.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mr. Al AuYeung
Schwabe, Williamson and Wyatt
Pacwest Center
1211 S.W. Fifth Avenue, Suite 1900
Portland, OR 97204-3795

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Pezhman Monadgemi	: DECISION ON REQUEST FOR
Patent Number	: 7595209	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **169** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/716,235	03/09/2007	Stefan J.M. Kraemer	2234-001-06	7525

7590 11/09/2007
GRAYBEAL JACKSON HALEY LLP
Suite 350
155-108th Avenue NE
Bellevue, WA 98004-5973

EXAMINER
HAYES, MICHAEL J

ART UNIT	PAPER NUMBER
3734	

MAIL DATE	DELIVERY MODE
11/09/2007	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

02 FC:2111 -250.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/716,235	03/09/2007	Stefan J.M. Kraemer	2234-001-06	7525

7590 11/13/2007
GRAYBEAL JACKSON HALEY LLP
Suite 350
155-108th Avenue NE
Bellevue, WA 98004-5973

EXAMINER
HAYES, MICHAEL J

ART UNIT	PAPER NUMBER
3734	

MAIL DATE	DELIVERY MODE
11/13/2007	PAPER

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

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

Notice of Abandonment	Application No.	Applicant(s)	
	11/716,235	KRAEMER ET AL.	
	Examiner	Art Unit	
	Hayes, Michael	3734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☑ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

Rick Clemons ☐☐Administrative Assistant☐☐Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

MAILED

NOV 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Matthew V. Ball, et al.	:	
Application No. 11/716,271	:	DECISION ON PETITION
Filed: March 9, 2007	:	TO WITHDRAW
Attorney Docket No. 249212044100	:	FROM RECORD
	:	

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

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on May 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **QUANTUM C/O WAGNER BLECHER LLP**
123 Westridge Drive
Watsonville, CA 95076

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: David H. Bernstein	: DECISION ON REQUEST FOR
Patent Number	: 7591201	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,285	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **294** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

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SEP 12 2008

In re Application of	:	
Kurtz et al.	:	
Application No. 11/716,289	:	DECISION ON PETITION
Filed: March 9, 2007	:	
Attorney Docket No. Kulite-113-CON	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 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 non-final Office action mailed June 13, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on September 14, 2007. A Notice of Abandonment was mailed December 20, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $770.00, and (3) an adequate statement of unintentional delay.

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

Further, 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.

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 $1,115.00, five month extension of time fee submitted with the petition on May 15, 2008 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 Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 2855 for appropriate action by the Examiner in the normal course of business on the reply received.

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

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AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Waite et al.	:	TO WITHDRAW
Application No. 11/716,298	:	FROM RECORD
Filed: March 9, 2007	:	
Attorney Docket No. 09131.0032-00	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on August 11, 2009.

The request is **NOT APPROVED**.

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

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

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

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

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NOV 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Waite et al.	:	DECISION ON PETITION
Application No. 11/716,298	:	TO WITHDRAW
Filed: March 9, 2007	:	FROM RECORD
Attorney Docket No. 09131.0032-00	:	

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 on September 28, 2009.

The request is **NOT APPROVED**.

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

Petitioner should note that the Office will only accept correspondence address changes to the most current address information provided the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, **or**, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

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

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/716,299	03/09/2007	Stefan J.M. Kraemer	2234-001-15	8429

7590 11/09/2007
GRAYBEAL JACKSON HALEY LLP
Richard O. Gray, Jr.
Suite 350
155 - 108th Avenue NE
Bellevue, WA 98004-5973

EXAMINER
EREZO, DARWIN P

ART UNIT	PAPER NUMBER
3773	

MAIL DATE	DELIVERY MODE
11/09/2007	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

02 FC:2111 -250.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/716,299	03/09/2007	Stefan J.M. Kraemer	2234-001-15	8429

7590 11/13/2007
GRAYBEAL JACKSON HALEY LLP
Richard O. Gray, Jr.
Suite 350
155 - 108th Avenue NE
Bellevue, WA 98004-5973

EXAMINER
EREZO, DARWIN P

ART UNIT	PAPER NUMBER
3773	

MAIL DATE	DELIVERY MODE
11/13/2007	PAPER

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

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

Notice of Abandonment	Application No.	Applicant(s)	
	11/716,299	KRAEMER ET AL.	
	Examiner	Art Unit	
	Erezo, Darwin	3773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☑ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

Rick Clemons ☐☐Administrative Assistant☐☐Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/716,312	03/08/2007	John Robert Ruess	89657-400100	7101

7590 02/24/2010

John R, Ruess
62 W. Robert Circle
Farmington, UT 84025

EXAMINER
GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
3743	

MAIL DATE	DELIVERY MODE
02/24/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John R, Ruess
62 W. Robert Circle
Farmington UT 84025

In re Application of: RUESS, JOHN ROBERT Serial No. 11/716,312 Filed: March 8, 2007 Docket: 89657-400100 Title: APPARATUS FOR ASSISTING IN FLUID REMOVAL FROM FLUID STORAGE BLADDER AND THE LIKE	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition, filed November 16, 2009, under 37 CFR 1.181, to withdraw the holding of abandonment. The petition is being considered as a petition pursuant to 37 CFR 1.181(a). No fee is required.

The petition under 37 CFR 1.181 is GRANTED.

The present application was held abandoned for failure to timely filed a response to the Notice of Non-Compliant Amendment mailed on August 4, 2009 which set forth an one-month period for response. Notice of abandonment was mailed on October 19, 2009.

A review of the record shows that the applicant timely submitted an amendment on September 2, 2009. A signed certificate of mailing also shows the mailing date of August 31, 2009. Therefore, the application is not abandoned. Accordingly, the holding of abandonment is withdrawn.

Any inconvenience or delay caused to applicant is regretted. This application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3743 for consideration of Rule 111 amendment filed on September 2, 2009.

Petition is granted.

Robert Olszewski, Director
Technology Center 3700

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Myers, Bigel, Sibley & Sajovec
P.O. Box 37428
Raleigh, NC 27627

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APR 09 2008

OFFICE OF PETITIONS

In re Application of	:	
Kathleen Bellekens et al.	:	
Application No. 11/716,318	:	DECISION ON PETITION
Filed: March 9, 2007	:	TO WITHDRAW
Attorney Docket No. 9303-38CT	:	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 February 29, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates Edward J. Howard and all attorneys listed on the request do not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Howard IP Law Group, PC
P.O. Box 226
Fort Washington, PA 19034

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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EXXONMOBIL RESEARCH AND ENGINEERING COMPANY
P.O. BOX 900
ANNANDALE NJ 08801-0900

MAILED
JUL 16 2010
OFFICE OF PETITIONS

In re Application of :
Frank C. Wang :
Application Number: 11/716325 :
Filing Date: 03/09/2007 :
Attorney Docket Number: RDH-0704 :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b)[1] filed on April 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 12, 2010, for failure to timely submit corrected drawings as required by the Notice of Allowability mailed on December 11, 2009, which set a three (3) month shortened period for reply. Notice of Abandonment was mailed on March 26, 2010.

Receipt of the six (6) sheets of drawings filed on April 30, 2010 is acknowledged.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

Receipt of the issue and publication fee payments filed on February 1, 2010, is acknowledged.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/716,372	03/09/2007	Stefan J.M. Kraemer	2234-001-17	8538

7590 11/09/2007

Richard O. Gray, Jr.
GRAYBEAL JACKSON HALEY LLP
Suite 350
155 - 108th Avenue NE
Bellevue, WA 98004-5973

EXAMINER
EREZO, DARWIN P

ART UNIT	PAPER NUMBER
3773	

MAIL DATE	DELIVERY MODE
11/09/2007	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

02 FC:2111 -250.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/716,372	03/09/2007	Stefan J.M. Kraemer	2234-001-17	8538

7590 11/13/2007
Richard O. Gray, Jr..
GRAYBEAL JACKSON HALEY LLP
Suite 350
155 - 108th Avenue NE
Bellevue, WA 98004-5973

EXAMINER
EREZO, DARWIN P

ART UNIT	PAPER NUMBER
3773	

MAIL DATE	DELIVERY MODE
11/13/2007	PAPER

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

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

Notice of Abandonment	Application No.	Applicant(s)	
	11/716,372	KRAEMER ET AL.	
	Examiner	Art Unit	
	Erezo, Darwin	3773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☑ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

Rick Clemons ☐☐Administrative Assistant☐☐Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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NELLCOR PURITAN BENNETT LLC
ATTN: IP LEGAL
60 MIDDLETOWN AVENUE
NORTH HAVEN, CT 06473

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In re Application of	:	
Seungug Koh et al	:	DECISION GRANTING STATUS
Application No. 11/716,394	:	UNDER 37 CFR 1.47(a)
Filed: March 9, 2007	:	
Attorney Docket No. TYHO:0030/FLE/H-NE-00103	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 28, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor (Seungug Koh) 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.

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

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/31/10

TO SPE OF : ART UNIT 1797 Vickie Kim (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/716417 Patent No.: 7674435

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

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** 6/17/10. — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Examiners Amdmnt	31	32	33	34	35	36	37	38	39	40	41
Issued Claims	1	2	3	4	5	6	7	8	9	10	11

SPE

1797
Art Unit

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7674435
DATED : March 9, 2010
INVENTOR(S) : David Andrew Pastel, et al
CONF. No. : 7031

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

No.	*Col.*	*Line*	*Description*	
1	10	64	Reads: "The reference microplate of 1, wherein" should read "The reference microplate of claim 1, wherein".	✓ ok
	10	66	Reads: "The reference microplate of 1, wherein" should read "The reference microplate of claim 1, wherein	✓ ok.
	11	1	Reads: "The reference microplate of 1, further" should read "The reference microplate of claim 1, further"	✓ ok.
	11	4	Reads: "The reference microplate of 4, wherein" should read "The reference microplate of claim 4, wherein"	✓ ok.
	11	9	Reads: "The reference microplate of 1, wherein" should read "The reference microplate of claim 1, wherein"	✓ ok
	11	13	Reads: "The reference microplate of 1, wherein" should read "The reference microplate of claim 1, wherein"	✓ ok
	12	13	Reads: "The reference microplate of 8, wherein" should read "The reference microplate of claim 8, wherein"	✓ ok
	12	16	Reads: "The reference microplate of 8, further" should read "The reference microplate of claim 8, further"	✓ ok
	12	18	Reads: "The reference microplate of 8, wherein" should read "The reference microplate of claim 8, wherein"	✓ ok

MAILING ADDRESS OF SENDER:

PATENT NO. 7674435

Corning Incorporated
Intellectual Property Department
Mail Stop: SP-TI-3-1
Corning, NY 14831

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

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Sanh D. Tang	: DECISION ON REQUEST FOR
Patent Number	: 7659560	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,433	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

HOLLAND & KNIGHT LLP
10 ST JAMES AVENUE
BOSTON MA 02116-3889

In re Application of	:	
Mike Meiners	:	
Application No. 11/716,436	:	DECISION ON PETITION
Filed: March 9, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 089408.00005	:	AND 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed August 13, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to non-provisional application No. 11/714,403, and an unintentionally delayed claim under 35 U.S.C. § 119(e) to provisional application No. 60/787,919, both set forth in the Amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) 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) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 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 does not satisfy item (1) above.

The reference to add the provisional and non-provisional applications in the specification on page one following the title is not acceptable as drafted since it

improperly incorporates by reference those applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (See 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 or § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 or § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and 1.78(a)(6) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required. No additional petition fee is due on renewed petition.

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

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

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

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

Any questions concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

PATTON BOGGS LLP
1801 CALFORNIA STREET
SUITE 4900
DENVER, CO 80202

Mail Date: 04/21/2010

Applicant	: Jose M. Corcelles Pereira	: DECISION ON REQUEST FOR
Patent Number	: 7652387	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,438	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **53** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PATTON BOGGS LLP
1801 CALFORNIA STREET
SUITE 4900
DENVER, CO 80202

Mail Date: 05/18/2010

Applicant : Jose M. Corcelles Pereira
Patent Number : 7652387
Issue Date : 01/26/2010
Application No: 11/716,438
Filed : 03/09/2007

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Paper No.

Olson & Cepuritis, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO IL 60606

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FEB 20 2008

OFFICE OF PETITIONS

In re Application of	:
Ian Bateman, Craig Mayman and	: DECISION ACCORDING STATUS
Glenn Crawford	: UNDER 37 C.F.R. § 1.47(a)
Application No. 11/716,458	:
Filed: March 9, 2007	:
Attorney Docket No. RL-07	:

This is a decision on the PETITION UNDER 37 C.F.R. 1.47(a) filed August 31, 2007.

The petition is **GRANTED**.

The above-identified application was filed on March 9, 2007, without an executed oath or declaration. Accordingly, on April 3, 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).

On April 4, 2007, applicants filed an application data sheet. Then, on August 31, 2007, applicants filed the instant petition and late surcharge. This response was made timely by an accompanying petition and fee for extension of time within the third month. The petition includes two declarations executed in combination by inventors Mayman and Crawford on behalf of themselves and on behalf of non-signing inventor Bateman. Applicants assert that status under 1.47(a) is proper because joint inventor Bateman, who, after a diligent effort to obtain his signature, has refused to sign the Declaration. By statement of facts of practitioner Robert Ross, and supporting documentary evidence, applicants have shown that after having

been presented with the application papers inventor Bateman has, by his conduct in not responding, refused to join in the application.

The declarations filed August 31, 2007, has been reviewed and found in compliance with § 1.47. The petition includes authorization to charge the petition fee of $200. Inventor Bateman's last known address is deemed to be that set forth on the declaration. If this is incorrect, applicants must advise the Office of the proper last known address.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IAN ROGER BATEMAN
3 SHORT STREET
MARINO 5049
SOUTH AUSTRALIA
AUSTRALIA

COPY MAILED

FEB 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Ian Bateman, Craig Mayman and	:	
Glenn Crawford	:	LETTER
Application No. 11/716,458	:	
Filed: March 9, 2007	:	
Attorney Docket No. RL-07	:	

Dear Mr. Bateman:

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

Olson & Cepuritis, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Ignagni, et al.	:	
Application No. 11/716,459	:	DECISION ON PETITION
Filed: March 9, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10091-704.201	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 27, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional application No. 10/897,685.

The petition is **DISMISSED**.

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

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

The petition does not satisfy items (1) above.

With respect to item (1), the amendment Applicant submitted was contained in the body of the petition, beginning on page 2. Pursuant to 37 CFR 1.4(c), the reference must be contained in a separate paper.

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

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

By mail: Mail Stop PETITIONS
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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 Petitions Attorney Cliff Congo at (571) 272-3207.

Chris Bottorff
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/716,464	03/09/2007	Tongbi Jiang	2269-3815.2US (98-0670.02

TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY UT 84110

DATE MAILED: September 20, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 16, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Kendall (CDFS)
445 BROAD HOLLOW ROAD
SUITE 225
MELVILLE NY 11747

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JUL 24 2008

In re Application of Tauer :
Application No. 11/716,501 : Decision on Petition
Filing Date: March 8, 2007 :
Attorney Docket No. H-KN-0838 US :

This is a decision on the petition under 37 CFR 1.137(b), filed April 4, 2008, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a proper manner to the Notice to File Missing Parts of Application (Notice) mailed April 20, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on June 21, 2007.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of $1,540. Petitioner has submitted a reply to the Notice to File Missing Parts in the form of corrected drawings. 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.

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.

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

The Office of Patent Application Processing will be informed of the instant decision and will prepare the application for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Elizabeth O'Brien
Covidien
15 Hampshire Drive
Mansfield, MA 02048

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.
11/716,509	03/09/2007	Junko Masujima	40060119-02	7057

7590 12/03/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
CAROC, LHEIREN MAE ANGLO

ART UNIT	PAPER NUMBER
2833	

NOTIFICATION DATE	DELIVERY MODE
12/03/2009	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Nepin. Ref: 12/02/2009 NFARMER 0017553203
DAN:531076 Name/Number:11716509
PL: 3284 $500.00 CK

Adjustment date: 12/02/2009 NFARMER
03/13/2007 BABRAHA1 00000042 11716509
02 FC:1111 -500.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of Roger J. Talish et al. Application No. 11/716,519 Filed: March 8, 2007 Attorney Docket No. 1429-23	: : : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2009 and supplemented on April 9, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The request was signed by David M. Carter on behalf of all attorneys associated with Customer Number 31554. All practitioners of record associated with Customer Number 31554 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 Juvent, Inc., at the address indicated below.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272 - 4914.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Juvent, Inc.
300 Atrium Drive, Suite 210,
Somerset, NJ 08873

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas A. O'Rourke
Bodner & O'Rourke, L.L.P.
Ste. 108
425 Broadhollow Road
Melville, NY 11747

MAILED

AUG 11 2009

OFFICE OF PETITIONS

In re Application of :
Jack Van de Wetering et al. :
Application No. 11/716,524 : DECISION ON PETITION
Filed: March 9, 2007 :
Attorney Docket No. :

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 **GRANTED**.

The application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed November 13, 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 February 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 3644 for appropriate action by the Examiner in the normal course of business on the reply received June 22, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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JUN 0 8 2009

OFFICE OF PETITIONS

PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of
GOODMAN, Daniel et al.
Application No. 11/716,538
Filed: March 09, 2007
Attorney Docket No. **NEX-012**

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 08, 2009.

The request is **APPROVED**.

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

The request was signed by Scott Witonsky on behalf of all attorneys of record who are associated with customer No. 42532. All attorneys/agents associated with the Customer Number 42532 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.

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: **DANIEL GOODMAN**
1 BRIGGS ROAD
LEXINGTON MA 02421

cc: **PERMAN & GREEN**
425 POST ROAD
FAIRFIELD CT 06824

DATE 8/21/07 APPLICATION NUMBER 11/716,541

DOC CODE Pet. Dec. OIPE DOC DATE 8/22/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

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SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

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AUG 2 2 2007

OFFICE OF PETITIONS

In re Application of :
KUWAHARA et al. :
Application No. 11/716,541 : DECISION GRANTING PETITION
Filed: 03/09/2007 :
Attorney Docket No. 773-010c2 :

This is a decision on the "PETITION FOR FILING DATE," filed May 7, 2007, requesting that the application be accorded a filing date of March 9, 2007.

On March 9, 2007, applicants deposited the above-identified application. On April 9, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date as the specification did not include at least one claim. The Notice further stated that the filing date would be the date of receipt of a complete specification, including at least one claim, in the United States Patent and Trademark Office. The Notice also required the payment of the statutory basic filing, search, and examination fees.

In response, on May 7, 2007, applicants submitted the present petition, a copy of the application as filed (including one claim), payment of the requisite fees, and an authorization to charge the Deposit Account for the $400.00 petition fee. Applicants asserted that the application, as originally filed, included one claim. Applicants stated that the original application was 28 pages as evidenced in their date-stamped postcard receipt. Applicants indicated that page 27 of the application contained claim 1 and page 28 included the abstract. Lastly, applicants stated that page 2 under the "Enclosures" heading listed 1 page of claims that corresponded to page 27 of the original application.

Upon review of the record, a claim in compliance with 37 CFR 1.75 is located on page 27 of the specification. The claim commences on a separate physical sheet after the detailed description of the invention. The claim is numbered and begins with a capital letter and ends with a period. Additionally, page 27 on which the claim appears does not contain any other parts of the application or other material. Lastly, the transmittal lists as an "Enclosure" one page of claims.

As indicated in MPEP 608.01(m), "While there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with 'I (or we) claim,' 'The invention claimed is' (or the equivalent). If, at the time of allowance, the quoted terminology is not present, it is inserted by the Office of Patent Publication." Therefore, in the future, applicants should use the suggested form for claims (i.e. "I (or we) claim," "The invention claimed is" (or the equivalent)).

Accordingly, the petition is **granted**.

The request for the submission of was sent in error and is hereby withdrawn. Accordingly, the $400.00 petition fee was credited to applicants' Deposit Account.

The Office of Initial Patent Examination is directed to **accord the above-identified application a filing date of March 9, 2007**, using the application papers, including the one claim, submitted on that date.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON, VA 22203

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APR 14 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Jonathan Gorrell et al
Application No. 11/716,552
Filed: March 12, 2007
Attorney Docket No. 2549-0224

This is a decision on the petition, filed April 9, 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 March 3, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Yuichiro Hashimoto	: DECISION ON REQUEST FOR
Patent Number	: 7592589	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,615	: 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 **221** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JACKSON & CO., LLP
6114 LA SALLE AVENUE, #507
OAKLAND, CA 94611-2802

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DEC 22 2008

In re Application of :
IONITA, et al. :
Application No. 11/761,632 :
Filed: June 12, 2007 :
Attorney Docket No. **FN153** :

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 5, 2008.

The request is **APPROVED**.

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

The request was signed by Seong-Kun Oh on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn.

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

All future correspondence will be directed to the first named inventor Mircea Ionita at the 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: **MIRCEA IONITA**
c/o FOTONATION, INC.
800 AIRPORT BOULEVARD, SUITE 522
BURLINGAME, CA 94010

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 12 2007

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Martin D. Moynihan
PRTSI
P.O.Box 16446
Arlington VA 22215

In re Application of	:
Moshe Arkin et al	:
Serial No.: 11/716,656	: PETITION DECISION
Filed: March 12, 2007	:
Attorney Docket No.: 33252	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed March 12, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
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.
11/716,691	03/12/2007	Makoto Ogata	P71767US0	7545

7590 08/06/2009
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER
CHIBOGU, CHIEDU A

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
08/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 0030073093

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1000

Adjustment date: 08/07/2009 NFARMER
03713/2007 HWOLDGE1 00000086 11716691
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Chu :
Filed: March 12, 2007 : ON PETITION
Application No. 11/716,723 :
Atty. Dkt. No.: 15079-000001/US :

This decision is in response to the petition to accord the above-identified application a filing date of March 12, 2007, filed June 1, 2007, with Page 19 (which includes claims) as part of the original disclosure of invention.

The application was submitted March 12, 2007. The Notice mailed April 3, 2007 indicated, *inter alia*, that the application had been accorded a filing date but that page 19 of the specification believed to contain claims appeared to have been omitted from the application as filed.

In response, petitioner asserts that the application as deposited included 22 pages of specification, including page 19 which included claims, and have presented as proof of mailing and proof of receipt of 22 pages of specification a return postcard date stamped by the Office on March 12, 2007. A copy of page 19 of the specification purportedly filed with the application was submitted herewith.

The original page 19 of the specification has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of March 12, 2007 is GRANTED.

Since the original Page 19 of the specification cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioner is entitled to a refund of the $400.00 petition fee submitted herewith and may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 12, 2007 with Page 19 as part of the specification as originally filed.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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ROBERT A. KENT
P.O. BOX 1431
DUNCAN OK 73536

MAILED
APR 22 2010
OFFICE OF PETITIONS

In re Application of:	: DECISION DISMISSING PETITION
Thomas D. Welton	: UNDER 37 CFR 1.78(a)(3)
Application No. 11/716774	:
Filing or 371(c) Date: 03/12/2007	:
Attorney Docket No. 2004-IP-016366U2	:

This is a decision on the "Amendment and Petition Under 37 C.F.R. § 1.78(a)(3) to add an Unintentionally Delayed Claim for the Benefit of a Prior-Filed Application, filed February 9, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed nonprovisional applications set forth in the Amendment filed as part of the present petition.

The petition is **DISMISSED.**

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

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

The petition does not comply with item **(1)**

The amendment is not acceptable as drafted since copendency does not exist between the above-identified application, filed March 12, 2007, and application no. 11/784,687, filed April 9, 2007,

for which the benefit is sought. The above-identified application was filed on March 12, 2007. Application No. 11/784,687, filed April 9, 2007, was filed after the present application. 35 U.S.C. § 120 permits a continuing application to claim the benefit of the filing date of a copending, previously filed, parent application provided there is inventorship overlap between the continuing application and the parent application. (Emphasis supplied). Here, the application for which the benefit is sought, 11784,687 was filed after the present application. As such, there is no copendency between the applications.

Moreover, the amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office. In this instance, Applicant files a 4-page petition, and pages 2 and 3 of the petition include the Amendment and Remarks.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 35 U.S.C. 120; 37 CFR 1.121 and 37 CFR 1.76(b)(5)), along with a renewed petition under 37 CFR 1.78(a)(3).

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

By mail: Mail Stop 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 Derek Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Christopher Bottorff
Supervisor
Office of Petitions

CC: BAKER BOTTS L.L.P.
ONE SHELL PLAZA
910 LOUISIANA
HOUSTON, TX 77002

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MARK MANLEY
5205 W 32
SEDALIA MO 65301

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OFFICE OF PETITIONS

In re Application of	:	
Kollmann, Wolfgang Joe	:	
Application No. 11/716,783	:	ON PETITION
Filed: March 10, 2007	:	
Title: Cue Ball Table Game	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 8, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 3, 2008. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 4, 2008. A Notice of Abandonment was mailed on March 13, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

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

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks none of the above-listed items. However, the petition form itself is not signed. A complete petition form, including a proper signature, should be submitted.

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

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

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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5205 W 32
SEDALIA MO 65301

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OFFICE OF PETITIONS

In re Application of	:	
Kollmann, Wolfgang Joe	:	
Application No. 11/716,783	:	ON PETITION
Filed: March 10, 2007	:	
Title: CUE BALL TABLE GAME	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed July 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b).

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

This matter is being referred to Technology Center AU 3711 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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

In re Application of

HIRATA, Yuichi
Application No. 11/716,808
Filed: March 12, 2007
Attorney Docket No. **14875-067003/C2-002PCT-US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 08, 2008.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, I am no longer employed by Fish & Richardson P. C., does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

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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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Roger Leyden	: DECISION ON REQUEST FOR
Patent Number	: 7570162	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,867	: OF WYETH
Filed	: 03/12/2007	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Sergio V. Martinez	: DECISION ON REQUEST FOR
Patent Number	: 7598119	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,912	: 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 **142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

MAILED

OCT 21 2009

OFFICE OF PETITIONS

DAVIDSON BERQUIST JACKSON &
GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

In re Application of :
Nhu-Ha Yup : DECISION ON PETITION
Application No. 11/716,916 :
Filed: March 12, 2007 :
Attorney Docket No. 2551-0070 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT UNINTENTIONALLY ABANDONED filed March 4, 2009.

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 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

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 under 37 CFR 1.137(f) must be accompanied by:

(1) the 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 does not include the required reply in the form of notification of such filing in a foreign country or under a multilateral treaty. The specific Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c)) requires that applicant state the filing date of the subsequently filed foreign or international application. As applicant has not provided such notice, the petition must be dismissed.

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

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

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

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

Telephone inquiries related to this decision 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

Paper No.

MAILED

OCT 27 2009

OFFICE OF PETITIONS

DAVIDSON BERQUIST JACKSON &
GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

In re Application of :
Nhu-Ha Yup : DECISION ON PETITION
Application No. 11/716,916 :
Filed: March 12, 2007 :
Attorney Docket No. 2551-0070 :

This is a decision on the RENEWED PETITION UNDER 37 C.F.R. § 1.137(B) [FOR REVIVAL OF AN APPLICATION UNINTENTIONALLY ABANDONED] filed October 22, 2009.

The petition is **GRANTED**.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the 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.

By decision mailed October 21, 2009, the initial petition was dismissed for failure to include notice of the filing date of the subsequently filed foreign or international application on petition to revive.

On instant renewed petition, petitioner submits a Supplemental Rescission of Previous Nonpublication Request and Notice of Foreign Filing. Therein, petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on March 11, 2008.

The instant petition is now in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office 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 indicating a projected publication date of February 4, 2010 accompanies this decision on petition.

Technology Center AU 2432 will take further action in this application in due course.

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

Nancy Johnson
Petitions Attorney
Office of Petitions

Attachment: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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
11/716,916	03/12/2007	Nhu-Ha Yup	2551-0070

CONFIRMATION NO. 9386

42624
DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON, VA 22203

NONPUBLICATION RESCISSION LETTER

OC000000038455492

Date Mailed: 10/26/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/04/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/nejohnson/

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.:20090225

DATE : February 26, 2009

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction on Patent No.: 7,470,776 B2

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

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-910
Palm location 7590 - Tel. No. 305-8201

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

Thank You For Your Assistance

Certificates of Correction Branch

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

☐ Approved — All changes apply.

☒ Approved in Part — Specify below which changes do not apply.

☐ Denied — State the reasons for denial below.

Comments:

The changes that appear in column 9 and column 10 to delete "gln" and to replace with "gin" are not correct, they should be to delete "gin" and to replace with "gln".

SPE: /Jon P Weber/, SPE Art Unit 1656

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ROBERT A. KENT
P.O. BOX 1431
DUNCAN OK 73536

MAILED

JUL 12 2010

OFFICE OF PETITIONS

In re Application of
Thomas Welton
Application No. 11/716,935
Filed: March 12, 2007
Attorney Docket No. 2004-IP-016366U1

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 9, 2010 and supplemented on May 24, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional application no. 10/771,612 set forth in the amendment filed with the petition. In accordance with applicant's request the February 9, 2010 petition to claim priority to application no. 11/784,687 has been withdrawn.

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 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.

It should be noted the statement regarding the related co-pending application remains incomplete as the application number has not been provided.

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.

This application is being forwarded to Technology Center Art Unit 1796 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.

Christopher Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
11/716,935	03/12/2007	1796	1130	2004-IP-016366U1	20	3

CONFIRMATION NO. 9265

CORRECTED FILING RECEIPT

71407
ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

OC000000042505057

Date Mailed: 07/12/2010

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

Applicant(s)

Thomas D. Welton, Duncan, OK;

Assignment For Published Patent Application

Halliburton Energy Services, Inc.

Power of Attorney:

Robert Kent--28626
William Shull--29438
Mitchell Lukin--30772
John Wustenberg--35415
Paul Morico--35960
Craig Roddy--36256
Paul Herman--37349
Carey Jordan--47646

Domestic Priority data as claimed by applicant

This application is a CON of 10/771,612 02/04/2004 PAT 7,216,710

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 11/716,935**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Corrosion-inhibiting additives, treatment fluids, and associated methods

Preliminary Class

507

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

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Chien-Ping Kung	: DECISION ON REQUEST FOR
Patent Number	: 7575340	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/716,937	: 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 **139** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

OCT 08 2008

TECHNOLOGY CENTER 2100

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

In re Application of: HWANG et al.
Application No. 11/717061
Filed: March 13, 2007
For: METHOD OF MANAGING DATA OF FILE SYSTEM USING DATABASE MANAGEMENT SYSTEM

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

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

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S.

patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements, 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

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.
11/717,085	03/13/2007	Tooru Katafuchi	MNL-2635-450	9118

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

EXAMINER
BELL, BRUCE F

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
07/14/2007 EAYALE01 00000030 11717085
02 FC:1111 -500.00 OP

Adjustment date: 08/04/2009 BPOWELL
07/14/2007 EAYALE01 00000030 11717085
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
08/04/2009 0030072893

Credit Card Refund Total: $500.00

Ao Exp..: XXXXXXXXXXX2021

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Masahiro Yanagi et al	:	
Application No. 11/717,187	:	DECISION ON PETITION
Filed: March 13, 2007	:	
Attorney Docket No. 2018.1103	:	

This is a decision on the petition, filed December 1, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed April 4, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on November 13, 2009.

Petitioner asserts that the Office action dated April 4, 2009 was not received.

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

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

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

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

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

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

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

This application is being referred to the Technology Center technical support staff of Art Unit 2821 for re-mailing the Office action of April 4, 2009. The period for reply will run from the mailing date of the Office action.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/717,195	03/13/2007	Fumio Koyama	131724	9368

7590 06/03/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
OMETZ, DAVID LOUIS

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
06/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
06/04/2009 NFARMER 0000167408

CHECK Refund Total: $500.00

Adjustment date: 06/04/2009 NFARMER
03/14/2007 MWOLDGE1 00000033 11717195
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/717,279	03/13/2007	Hidekazu Horie	5354-26	8320

27799 7590 09/28/2009
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER
NAIR, SOWMINI

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
09/28/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
HORIE, HIDEKAZU	:	DECISION ON REQUEST TO
Application No. 11/717,279	:	PARTICIPATE IN PATENT
Filed: March 13, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 5354-26	:	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 20, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D.To

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TETHYS BIOSCIENCE
C/O MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO CA 94304-1018

MAILED

APR 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
UNDEA, Michael S. et al.	:	
Application No. 11/717,280	:	DECISION ON PETITION
Filed: March 12, 2007	:	TO WITHDRAW
Attorney Docket No. **559312000300**	:	FROM RECORD
	:	

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 14, 2010.

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

A review of the file record indicates that the power of attorney to TETHYS BIOSCIENCE has been revoked by the assignee of the patent application on January 27, 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **TETHYS BIOSCIENCE, INC.**
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

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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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JUN 0 8 2009

OFFICE OF PETITIONS

PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

In re Application of	:	
Javier Garcia-Martinez	:	
Application No. 11/717,286	:	DECISION ON PETITION
Filed: March 13, 2007	:	TO WITHDRAW
Attorney Docket No. RIV-003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 24, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Proskauer Rose, LLP has been revoked by the assignee of the patent application on April 30, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: RIVE TECHNOLOGY, INC
ONE CANAL PARK
4TH FLOOR
CAMBRIDGE, MA 02142

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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VLADEN FUTERNIK
265 Garfield Ave
Laurence Harbor NJ 08879

COPY MAILED

JUN 13 2007

OFFICE OF PETITIONS

In re Application of	:	
FUTERNIK, Vladlen et al.	:	
Application No. 11/717,287	:	DECISION ON PETITION
Filed: March 13, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 000	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 13, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventor's driver's license as evidence that Vladlen Futernik 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 3744 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

MAILED

MAR 0 8 2010

OFFICE OF PETITIONS

In re Application of	:	
Pershant MEHTA	:	
Application No. 11/717,311	:	DECISION ON PETITION
Filed: March 13, 2007	:	TO WITHDRAW
Attorney Docket No. 45234.4	:	FROM RECORD
	:	

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 17, 2009.

The request is **NOT APPROVED.**

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

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

Further, the request cannot be approved because the attorneys of record were not appointed through designation of Customer Number 66558, as indicated.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/717,327	03/12/2007	2811	850	PA3908US	34	3

CONFIRMATION NO. 8610

CORRECTED FILING RECEIPT

OC000000023839322

22830
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Date Mailed: 05/14/2007

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)

Ofer Du-Nour, Timrat, ISRAEL;

Assignment For Published Patent Application

Tevet PCT Ltd.

Power of Attorney: The patent practitioners associated with Customer Number **22830**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/816,815 06/26/2006
and claims benefit of 60/817,014 06/26/2006
and claims benefit of 60/816,893 06/26/2006

Foreign Applications

If Required, Foreign Filing License Granted: 03/29/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/717,327

Projected Publication Date: 12/27/2007

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Method and apparatus for process control with in-die metrology

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
DU-NOUR, Ofer	:	
Application No. 11/717,327	:	DECISION ON PETITION
Filed: March 12, 2007	:	TO WITHDRAW
Attorney Docket No. **PA3908US**	:	FROM RECORD
	:	

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, 2008.

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

A review of the file record indicates that the power of attorney to Carr & Ferrell LLP has been revoked by the assignee of the patent application on July 08, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SILICON VALLEY PATENT GROUP LLP**
18805 COX AVENUE
SUITE 220
SARATOGA CA 95070

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/717,399	03/12/2007	Ford B. Grigg	2269-3932.7US (99-0085.07

TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY UT 84110

DATE MAILED: September 20, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 16, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

CHOATE, HALL & STEWART LLP/WYETH LLC
PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

APR 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Berasi et al.	:	
Application No. 11/717,426	:	LETTER REGARDING
Filed: March 13, 2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 2004658-1406	:	
(WYE-056)	:	
Title: MODULATORS OF	:	
GLUCONEOGENESIS	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b) and 37 CFR § 1.705(b)," filed December 22, 2009. Patentees request that the patent term adjustment indicated on the initial determination of patent term adjustment at the time of the mailing of the Notice of Allowance and Issue Fee Due be corrected from forty (40) days to ninety (90) days.

The request for reconsideration of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **ninety (90)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 22, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 40 days. The instant application for

patent term adjustment was timely filed[1] on or before payment of the issue fee.

Applicants have disputed one period of delay: the 50-day reduction associated with the filing of a supplemental response on August 11, 2009. 37 CFR § 1.704(c)(8) indicates that the submission of a supplemental reply, other than a supplemental reply expressly requested by the examiner, after a reply has been filed, will result in a period of adjustment set forth in § 1.703, and the reduction will constitute the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

A restriction requirement was mailed on May 22, 2009, and a response was received on June 22, 2009. The Examiner mailed an Interview Summary on August 7, 2009. A supplemental response was subsequently received on August 11, 2009, which resulted in a reduction of 50 days, pursuant to 37 CFR § 1.704(c)(8). Applicants have asserted that this reduction was improper, as "...the submission of the supplemental response on August 11, 2009, was expressly requested by Examiner Kosson during a telephone conversation...on August 3, 2009."[2]

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[3]

Applicants' argument has been considered and has been found to be persuasive.

The reduction of 50 days has been removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is ninety (90) days (118 days of Office delay minus 28 days of Applicant delay).

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is 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

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[1] PALM records indicate that the issue fee was paid on December 22, 2009.
[2] Petition, pages 1-2.
[3] Petition, page 2.

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 regarding this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Day : Monday
Date: 4/12/2010

PALM INTRANET

Time: 14:17:36

PTA Calculations for Application: 11/717426			
Application Filing Date:	03/13/2007	PTO Delay (PTO):	118
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	78
Post-Issue Petitions:	0	Total PTA (days):	90
PTO Delay Adjustment:	50		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
66	04/12/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	50		
54	09/22/2009	MAIL NOTICE OF ALLOWANCE			
53	09/21/2009	ISSUE REVISION COMPLETED			
52	09/21/2009	DOCUMENT VERIFICATION			
51	09/21/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	09/21/2009	CASE DOCKETED TO EXAMINER IN GAU			
49	09/21/2009	NOTICE OF ALLOWABILITY			
48	09/18/2009	DATE FORWARDED TO EXAMINER			
47	08/11/2009	SUPPLEMENTAL RESPONSE		50	39
44	08/07/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
43	08/03/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
42	12/03/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	03/19/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	07/21/2009	DATE FORWARDED TO EXAMINER			
39	06/22/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
38	06/12/2009	MISCELLANEOUS INCOMING LETTER			
37	05/22/2009	MAIL RESTRICTION REQUIREMENT			
36	05/21/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
35	05/13/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
34	05/05/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

33	03/19/2009	FILED		0	31
32	05/05/2009	DATE FORWARDED TO EXAMINER			
31	03/19/2009	RESPONSE AFTER NON-FINAL ACTION		28	26
30	03/19/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	03/19/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	12/03/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
27	12/03/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	11/19/2008	MAIL NON-FINAL REJECTION			
25	11/18/2008	NON-FINAL REJECTION			
24	11/06/2008	DATE FORWARDED TO EXAMINER			
23	10/08/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
22	09/08/2008	MAIL RESTRICTION REQUIREMENT	118		-1
21	09/02/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
20	06/19/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
19	06/18/2008	CORRESPONDENCE ADDRESS CHANGE			
18	12/13/2007	CASE DOCKETED TO EXAMINER IN GAU			
17	11/22/2007	PG-PUB ISSUE NOTIFICATION			
16	08/25/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	08/17/2007	APPLICATION DISPATCHED FROM OIPE			
14	08/10/2007	SENT TO CLASSIFICATION CONTRACTOR			
13	08/10/2007	APPLICATION IS NOW COMPLETE			
12	06/11/2007	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
11	06/11/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
10	04/11/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
6	04/10/2007	CLEARED BY L&R (LARS)			
5	04/09/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
4	04/03/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	03/23/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	03/13/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM /			

		GROUP / PCT			
1	03/14/2007	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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SCIENTIFIC ATLANTA, A CISCO COMPANY
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAY 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Aamer Akhter	:	
Application No. 11/717,454	:	DECISION ON PETITION
Filed: March 12, 2007	:	
Attorney Docket No. 60374.0413US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 7, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 8, 2009. A Notice of Abandonment was mailed January 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

Further, 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. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Additionally,it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay.

However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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

This application is being referred to Technology Center AU 2426 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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

In re Patent No. 7,422,034	:	
Issue Date: September 9, 2008	:	
Application No. 11/717,460	:	DECISION ON PETITION
Filed: March 13, 2007	:	
Attorney Docket No. HRG-PTO21.1	:	

This is a decision on the Request For Certificate Of Correction, filed February 3, 2010, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to delete assignee's name. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

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

Petitioner urges that the present Petition was submitted to delete assignee's name on the previously submitted PTOL-85B and that the listing was made in error. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to delete assignee's name to the Title Page of the Letters Patent.

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

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

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a) have been submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was accompanied deposit account authorization to charge any required fees. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that was submitted with the petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

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

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,422,034.

Brian W. Brown
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090730

DATE : July 30, 2009

TO SPE OF : ART UNIT 2826

SUBJECT : Request for Certificate of Correction on Patent No.: 7466008

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

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Charles E. Baxley, Esq.
90 John Street
Third Floor
New York, NY 10038

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SEP 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Scott Albers	:	
Application No. 11/717,492	:	DECISION ON PETITION
Filed: March 12, 2007	:	TO WITHDRAW
Attorney Docket No. 16382 B	:	FROM RECORD
	:	

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 17, 2007.

The request is **APPROVED**.

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

The request was signed by Charles E. Baxley 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 Scott Albers at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Scott Albers**
305 West 28th Street
Apt. 15H
New York, NY 10001

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/717,492	03/13/2007	Scott Albers	16382 B

CONFIRMATION NO. 1209

OC000000025886337

36672
CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

Date Mailed: 09/18/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/17/2007.

- 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.

J. Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/717,529	03/13/2007	Yousef Daneshvar		9611

7590 07/16/2010

Yousef Daneshvar
MD, FACC.
3425 LonePine Rd.
West Bloomfield, MI 48323

EXAMINER
DOAN, ROBYN KIEU

ART UNIT	PAPER NUMBER
3732	

MAIL DATE	DELIVERY MODE
07/16/2010	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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Yousef Daneshvar
MD, FACC.
3425 LonePine Rd.
West Bloomfield MI 48323

In re Application of: DANESHVAR, YOUSEF Serial No. 11/717529 Filed: March 13, 2007 Title: DANESHVAR DIFFERENTIAL HAIR COLORING AND METHODS	DECISION ON PETITION UNDER 37 CFR § 1.144

This is a decision on the petition filed July 9, 2010 under 37 CFR 1.181 requesting withdrawal of the restriction requirement of May 10, 2010. 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 Part.**

The record shows that in response to a non-final Office action of July 31, 2009 an Amendment was filed on January 22, 2010 amending independent claim 40 and adding new dependent claims 41-47. Claims 41-43 are dependent from claim 40, claim 44 dependent from claim 25, claim 45 dependent from claim 32, claim 46 dependent from claim 45, and claim 47 dependent from claim 46. In the Office Action of May 10, 2010, the examiner stated that the newly submitted claims 41-47 are directed to an invention that is independent or distinct from the invention or species originally claimed and that independent claim 40 and dependent claims 41-47 were withdrawn from consideration as being directed to a non-elected invention or species.

Discussion and Analysis

Regarding claims 44-47, Petitioner was correct that dependent claims 44-47 were not dependent from non-elected independent claim 40. Claims 44-47 are dependent upon elected claim 25 and therefore should be rejoined and examined with the previously elected claims. This part of the restriction requirement is hereby withdrawn. Since the restriction requirement concerning claims 44-47 is withdrawn, the Rule 116 amendment filed on July 9, 2010 will be treated as if filed under 37 CFR 1.111 and will be entered for consideration. The examiner has been requested to issue an Office action to rejoin and treat dependent claims 44-47 on the merits when considering the latest amendment filed on July 9, 2010.

In regards to non-elected claims 40-43, petitioner disagrees with examiner's restriction requirement for reasons stated in Paragraphs 13-14 of the petition. Since the applicant did not

file any request for reconsideration on the propriety of the restriction requirement given in the last Office action of May 10, 2010. The examiner did not have a chance to answer the questions and arguments raised by the applicant and repeat the restriction requirement of the Office Action of May 10, 2010. The petition is hereby dismissed as premature in accordance with 37 CFR 1.181(c)[1] and 37 CFR 1.144[2]. However, in the next Office action, the examiner is also requested to address why the claimed inventions or species are independent or distinct from each other in accordance with MPEP § 806. For example, the examiner must point out and explain why invention or species of Figs. 18-19 is independent or distinct from the other claimed invention or species as illustrated in Figures 1-17. In the alternative, upon reconsideration, the examiner may withdraw the restriction requirement and treat all claims filed on July 9, 2010 as Rule 111 amendment.

Conclusion

For the reasons outlined above, the request to rejoin dependent claims 44-47 is granted. Claims 44-47 will be rejoined and examined with the previously elected claims in the next Office action. In regards to claims 40-43, petitioner's request to overrule the examiner and withdraw the restriction requirement is premature and cannot be granted. The examiner is directed to reconsider the restriction requirement of May 10, 2010 in light of the arguments presented in the petition of July 9, 2010.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3732 for preparation of an Office action in response to the applicant's Rule 111amendment filed on July 9, 2010 consistent with this decision. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Petition is Granted in Part.

Angie D. Sykes

Angie D. Sykes, Director
Technology Center 3700

[1] 37 CFR 1.181(c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.
[2] § 1.144 Petition from requirement for restriction: After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

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OFFICE OF PETITIONS

ROBERT T JOHNSON
603 COLLINS STREET
PLYMOUTH WI 53073

In re Application of	:	
Shaw et al.	:	DECISION ON PETITION
Application No. 11/717,552	:	
Deposited: March 14, 2007	:	
Title: Portable Locker Apparatus	:	

This is a decision on the petition filed April 24, 2007, requesting that the above-identified application be accorded the filing date of March 14, 2007.

Application papers in the above-identified application were deposited on March 14, 2007. However, on April 9, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had **not** been accorded a filing date because the application was deposited without a complete specification including at least one claim pursuant to 35 U.S.C. 112.

In response, the present petition was filed on April 24, 2007. The petition contends that the application as filed included at least one claim pursuit to 35 U.S.C. 112. In support of the petition, petitioner has submitted a postcard receipt.[1] Petitioner also states that a declaration and copy of the claims were also submitted. However, the declaration and copy of claims has not been located.

Nonetheless, further review of the record shows that three claims were present on filing on pages 12-14 of the specification.

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[1]It should be noted that a postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503. The postcard submitted does not serve as prima facie evidence because it is not properly itemized. A filing date would **NOT** have been accorded based on the postcard submitted.

The petition is Granted. The $400.00 petition fee will be refunded to deposit account 50-2736.

Since the original pages of specification including at least one claim have been located, they will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of March 14, 2007**, using the papers submitted on that day.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
Dodge et al.	:	
Application No. 11/717,583	:	DECISION GRANTING PETITION
Filed: March 13, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 11336-1480 (P07006US)	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 2, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application Nos. 60/841,804, filed September 1, 2006, and 60/840,246, filed August 25, 2006, as set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The 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 instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional applications as required by 37 1.78(a)(5)(iii). Additionally, the instant nonprovisional application was filed within twelve months of the filing date of above-noted, prior-filed provisional applications 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 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)(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 applications 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 applications 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 applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the 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 applications, 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 2165 for appropriate action on the amendment submitted April 2, 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 Nos. 60/840,246 and 60/841,804.

Liana Walsh
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
11/717,583	03/13/2007	2165	2880	11336-1480 (P07006US)	51	4

CONFIRMATION NO. 8193

CORRECTED FILING RECEIPT

81166
HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

OC000000036275200

Date Mailed: 06/02/2009

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)

Dan Dodge, Nepean, CANADA;
Peter van der Veen, Ottawa, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number 81166

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/840,246 08/25/2006
and claims benefit of 60/841,804 09/01/2006

Foreign Applications

If Required, Foreign Filing License Granted: 04/16/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/717,583**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Filesystem having a filename cache

Preliminary Class

707

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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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451

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NOV 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Daniel E. E. Hayes, Jr. et al.	:	
Application No. 11/717,597	:	DECISION ON PETITION
Filed: March 13, 2007	:	
Attorney Docket No. HAYES-3 CON 2	:	

This is a decision on the petition, filed September 2, 2008, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of February 11, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before May 11, 2008.

Petitioner states that a timely reply was mailed via certificate of mailing on August 7, 2008, which included the following papers: A petition for three-month extension of time, a check for $525, amendment to claims and certificate of mailing. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated August 7, 2008. To support this assertion, petitioner has additionally submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on August 11 of, *inter alia,* a petition for three-month extension of time, a check for $525, amendment to claims and certificate of mailing.

The file record does indicate receipt of the $ 525 fee (for a three (3) month extension of time) by the Office on August 11, 2008, along with the papers itemized in the postcard receipt. Thus, the response filed August 11, 2008 was timely.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is hereby restored to pending status.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

This application is being referred to Technology Center AU 3738 for appropriate action in the normal course of business on the reply received with petition.

David Bucci
Petitions Examiner
Office of Petitions

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

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JUL 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Michael David May	:	
Application No. 11/717622	:	NOTICE
Filed: 03/14/2007	:	
Attorney Docket No. Q100511	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on 1 June, 2007.

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

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

It is noted that the petition stated that a check for the amount due was enclosed therewith. No check has been received, however. Accordingly, counsel's deposit account will be charged for the deficiency as authorized in the petition.

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas Wood
Senior Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Ryu et al.	:	
Application No. 11/717641	:	DECISION ON PETITION
Filed: 03/14/2007	:	
Attorney Docket No. Q99702	:	

This is a decision on the petition filed May 2, 2007, requesting that the application be accorded a filing date of March 14, 2007, with page 1 of the specification (description and claims) as part of the original disclosure.

On March 14, 2007, applicants filed the above-identified application. On March 29, 2007, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of March 14, 2007, and advising applicants that page 1 of the specification (description and claims) appeared to have been omitted.

In response, on May 2, 2007, applicants submitted the present petition, a copy of page 1 of the specification, and an authorization to charge the petition fee. Additionally, applicants submitted a copy of applicants' return, date-stamped postcard receipt acknowledging receipt of "Pgs. Spec./Abs: 23/1" in the USPTO on March 14, 2007.

Upon a review of the record, page 1 of the specification, deposited on March 14, 2007, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 14, 2007, included page 1, which was subsequently misplaced in the USPTO. Therefore, the application, including page 1, was complete on filing and may be granted a filing date of March 14, 2007.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary. The $400.00 petition fee will be refunded to the Deposit Account.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of March 14, 2007,** using the pages of specification filed on that date, and page 1 of the specification submitted with the petition on May 2, 2007, as part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 MAR 2010

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STUART D. FRENKEL
FRENKEL & ASSOCIATES
3975 UNIVERSITY DR., STE. 330
FAIRFAX, VA 22030

In re Application of:	
TATANI et al.	
PCT Application No.: PCT/JP2005/016894	
US Application No.: 11/717,741	
Int. Filing Date: 14 September 2005	DECISION
Atty Docket No.: SDF 07-4	
For: PURINENUCLEOSIDE DERIVATIVE MODIFIED IN 8-POSITION AND MEDICAL USE THEREOF	

Applicants' "PETITION UNDER 37 C.F.R. 1.182 OR, OPTIONALLY, 37 C.F.R. 1.78(a)(3) " was received on 02 December 2009.

For reasons below, the petition is **DISMISSED**, without prejudice.

A petition fee of $400 is required for a petition under 37 CFR 1.182, while a petition fee of $1410 is required for a petition under 37 CFR 1.78(a)(3). The credit card submitted by applicant on 02 December 2009 did not authorize the USPTO to charge the specified petition fees.. In addition, the deposit account indicated in an earlier filed transmittal letter lacks sufficient funds. Accordingly, the petition has not been treated on the merits.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Shian Luong/

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

/Boris Milef/

Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration

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Commissioner for Patents
United States Patent and Trademark Office
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20 MAY 2010

STUART D. FRENKEL
FRENKEL & ASSOCIATES
3975 UNIVERSITY DR., STE. 330
FAIRFAX, VA 22030

In re Application of: TATANI et al. US Application No.: 11/717,741 Filing Date: 13 March 2007 Atty Docket No.: SDF 07-4 For: PURINENUCLEOSIDE DERIVATIVE MODIFIED IN 8-POSITION AND MEDICAL USE THEREOF	DECISION UNDER 37 CFR § 1.78(a)(3)

This is in response to applicants' "Petition Under 37 CFR 1.78(a)(3)" filed on 24 March 2010.

The petition is DISMISSED.

The present application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international 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 of items (2) and (3),

For item (2), the surcharge fee required by 37 CFR 1.17(t) has been submitted; and

For item (3), the petition contains a proper statement of unintentionally delay.

However, for item (1), a reference to the prior-filed international application has not been properly indicated in the amendment[1] to the first sentence of the specification filed 24 March 2010, as provided by 37 CFR 1.78(a)(2)(iii); Specifically, applicant did not properly identify the international application number. See PCT Administrative Instruction 307. An appropriate reference would be "This application is a continuation of PCT/JP2005/016894, filed September 14, 2005."

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted a renewed petition under 37 CFR 1.78(a)(3) and a substitute amendment (37 CFR 1.121) or supplemental application data sheet (37 CFR 1.76) including a proper reference to the international application is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This matter is being referred to Technology Center Art Unit 1623 for appropriate action on the amendment under 37 CFR 1.116 filed 24 March 2010.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration

[1] Entry of an amendment under 37 CFR 1.116 is determined by the examiner. See MPEP 714.13. For the reasons above, even if the examiner enters the amendment to the specification filed on 24 March 2010, the petition cannot be granted.

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2 4 JUN 2010

STUART D. FRENKEL
FRENKEL & ASSOCIATES
3975 UNIVERSITY DR., STE. 330
FAIRFAX, VA 22030

In re Application of:	:	
TATANI et al.	:	DECISION
US Application No.: 11/717,741	:	
Filing Date: 13 March 2007	:	UNDER
Atty Docket No.: SDF 07-4	:	
For: PURINENUCLEOSIDE DERIVATIVE	:	37 CFR § 1.78(a)(3)
MODIFIED IN 8-POSITION AND MEDICAL USE	:	
THEREOF	:	

This is in response to applicants' "Renewed Petition Under 37 CFR 1.78(a)(3)" filed on 24 May 2010.

The petition is **GRANTED**.

The present application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international 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 of items (1) - (3),

For item (1), the reference to the prior filed international application has been indicated in the amendment.

For item (2), the surcharge fee required by 37 CFR 1.17(t) has been submitted; and

For item (3), the petition contains a proper statement of unintentionally delay.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the prior-filed international applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that 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 this application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Shian Luong at (571) 272-4557. 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 1623 for appropriate action on the amendment filed 24 May 2010.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Boris Milef
Senior PCT 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/717,750	03/14/2007	Hiroyuki Nagasaka	131702	2040

7590 11/20/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KIM, PETER B

ART UNIT	PAPER NUMBER
2882	

MAIL DATE	DELIVERY MODE
11/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Harris

Patent Publication Branch
Office of Data Management

Adjustment date: 11/20/2009 NFARKER
03/15/2007 SSITHIB1 00000042 11717750
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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In re Application of	:	
Po-Ying CHAN-YUI et al.	:	
Application No. 11/717,760	:	DECISION ON PETITION
Filed: March 12, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 08, 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 02, 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 05, 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 and oath or declaration and preliminary amendment; (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 April 02, 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 Patent Application Processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Fritz H. Eilenberger
Application No. 11/717,838
Filed: March 14, 2007
Attorney Docket No. 1962.2

ON PETITION

This is a decision in response to the petition, filed October 2, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to an Office communication mailed December 10, 2008. A Notice of Abandonment was mailed on September 30, 2009. In response, on October 2, 2009, the present petition was filed.

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

The application is being referred to Technology Center AU 3746 for consideration of the response filed October 2, 2009.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of
Paul E. Hopkins
Application No. 11/717,866
Filed: March 14, 2007
Attorney Docket No. S697.12-0099

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed March 17, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on February 15, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 3, 2009 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 1791.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/717,866	03/14/2007	Paul E. Hopkins	S697.12-0099

CONFIRMATION NO. 1424

27367
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

NONPUBLICATION RESCISSION LETTER

OC000000037562116

Date Mailed: 08/27/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/03/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kocreasy/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Beeson Skinner Beverly LLP
One Kaiser Plaza, Suite 750
Oakland, CA 94612

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MAY 12 2008

OFFICE OF PETITIONS

In re Application of	:	
William Don Walters	:	
Application No. 11/717,883	:	DECISION ON PETITION
Filed: March 13, 2007	:	TO WITHDRAW
Attorney Docket No. B3020-001.C	:	FROM RECORD

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

All future correspondence will be directed to the first named inventor William Don Walters at the address indicated below.

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **William Don Walters**
2230 Biscay Street
Byron, CA 94514

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/717,883	03/13/2007	William Don Walters	B3020-001.C

CONFIRMATION NO. 9467

23661
BEESON SKINNER BEVERLY LLP
ONE KAISER PLAZA, SUITE 750
OAKLAND, CA 94612

POWER OF ATTORNEY NOTICE

OC000000029885585

Date Mailed: 05/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/12/2008.

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

/tswilliams/

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

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/717,896	03/13/2007	Werner Juengling	M122-3502

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

DATE MAILED: August 16, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 10, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Rafael Groswirt	:	
Application No. 11/717,900	:	DECISION ON PETITION
Filed: March 13, 2007	:	TO WITHDRAW
Attorney Docket No. POKER-73376	:	FROM RECORD
	:	

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 1, 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 K. Fitzgerald on behalf of all attorneys of record who are associated with customer No. 24201.

All attorneys/agents associated with the Customer Number 24201 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: RAFAEL GROSWIRT
2355 FOOTHILL BLVD. #812
LAVERNE, CA 91750

cc: POKER AUTOMATION, LLC
1800 CENTURY PARK EAST
SUITE 600
LOS ANGELES, CA 90045

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
11/717,900	03/13/2007	Rafael Groswirt	POKER-73376

CONFIRMATION NO. 1645

POWER OF ATTORNEY NOTICE

24201
FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

OC000000032576021

Date Mailed: 10/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/01/2008.

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

/amwise/

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

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

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AUG 3 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Nagl et al.	:	Notification the Application
Application No. 11/717,908	:	Has Been Accorded
Filed: March 14, 2007	:	Status Under 37 CFR 1.47
Attorney Docket No. 06-037-A	:	

This is in response to the papers filed March 14, 2007, which seek to have the instant application accorded status under 37 CFR 1.47(a).

The request is **granted**.

The instant application is a continuation of 11/446,696, which was accorded status under 37 CFR 1.47. Per 37 CFR 1.63(d)(3), when a parent application has been accorded status under 37 CFR 1.47, an applicant may submit a copy of the declaration from the parent application and a copy of the parent application's Rule 47 decision letter instead of submitting a new petition under 37 CFR 1.47.

The instant application contains copies of the declaration and Rule 47 decision from the prior application. The declaration is accepted and the signing inventors may prosecute the application on behalf of the non-signing inventor.

The application is hereby accorded Rule 1.47(a) status.

Technology Center Art Unit 1754 will be informed of the instant decision and the application will be examined in due course.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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RUSS WEINZIMMER
614 NASHUA ST. #204
MILFORD, NH 03055

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Donna Newman-Bluestein	:	
Application No. 11/717,966	:	DECISION ON PETITION
Filed: March 14, 2007	:	TO WITHDRAW
Attorney Docket No. OCTABAND-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 24, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Russ Weinzimmer has been revoked by the applicant of the patent application on October 27, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: DONNA NEWMAN-BLUESTEIN
137 WISWALL RD
NEWTON, MA 02459

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REED SMITH, LLP
TWO EMBARCADERO CENTER, SUITE 2000
SAN FRANCISCO CA 94111

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OFFICE OF PETITIONS

In re Application of

AREGO, et al.
Application No. 11/717,974
Filed: March 14, 2007
Attorney Docket No. **360109.00101**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 30, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 file to client" does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **NBO SYSTEMS, INC.**
3676 WEST CALIFORNIA AVENUE, BLDG D
SALT LAKE CITY, UT 84194

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DIW Mar-08

NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
400 TECHNOLOGY SQUARE
CAMBRIDGE MA 02139

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Burkhart et al.	:	DECISION ON PETITION
Application Number: 11/717983	:	TO WITHDRAW HOLDING OF
Filing Date: 03/14/2007	:	ABANDONMENT
Attorney Docket Number: 32516-	:	
US-CNT	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed on February 14, 2008.

The application was held abandoned for failure to timely reply to the Notice to File Corrected Application Papers mailed on April 12, 2007, which set a two (2) month shortened statutory period for reply. Notice of Abandonment was mailed on December 18, 2007.

Petitioners assert that a proper response was in fact timely filed. In support of the petition, petitioners submitted, *inter alia*, a copy of a date-stamped post card receipt acknowledging receipt "Missing Parts/Missing Requirements" bearing an Office date stamp of April 26, 2007, as well as a copy of the aforementioned notice and the abstract required by the Notice to File Corrected Application Papers mailed on April 12, 2007.

Petitioners' response to the Notice to File Corrected Application Papers mailed on April 12, 2007, is not of record in the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the reply to the Notice to File Corrected Application Papers mailed on April 12, 2007 was timely filed in the Office but was not matched with the application file.

As such, the showing of record is that there is no abandonment in fact. Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be referred to the Office of Patent Application Processing for entry of the response and further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MYERS & KAPLAN
INTELLECTUAL PROPERTY LAW, L.L.C.
CUMBERLAND CENTER II
3100 CUMBERLAND BLVD , SUITE 1400
ATLANTA, GA 30339

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JUL 0 3 2008

OFFICE OF PETITIONS

In re Application of
HALL, Charlie
Application No. 11/717,985
Filed: March 14, 2007
Attorney Docket No. 23450-RA-DIV

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 15, 2008.

The request is **APPROVED.**

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

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

All future correspondence will be directed to the sole named inventor Charlie Hall at the 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: CHARLIE HALL
IRON AX, INC.
9559 HIGHWAY 319
BARTOW, GA 30413

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

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SEP 25 2009

OFFICE OF PETITIONS

In re Application of	:	
GROPPE, David	:	
Application No. 11/717,999	:	DECISION ON PETITION
Filed: March 13, 2007	:	TO WITHDRAW
Attorney Docket No. **208,136**	:	FROM RECORD
	:	

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 J. David Dainow on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed September 04, 2009 that requires a reply from the 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: **DAVID GROPPE**
1653 FOURTH STREET
P.O. BOX 509
ARNOLD, CA 95223

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.
11/718,001	04/26/2007	Takehiko Suginouchi	OKUDP0230US	1929

51921 7590 09/23/2009
MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER
MILLER, ROSE MARY

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
09/23/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

In re Application of	
Takehiko SUGINOUCHI, et al.	**: DECISION ON REQUEST TO**
	: PARTICIPATE IN THE PATENT
Application No.: 11/718,001	**: PROSECUTION HIGHWAY**
Filed: 26 April 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: OKUDP0230US	**: TO MAKE SPECIAL UNDER**
For: ULTRASONIC MEASURING APPARATUS AND ULTRASONIC MEASURING METHOD	**: 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 21 July 2009, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the 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;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    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;
    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 program fails to meet requirement 4.

Regarding requirement 4, examination of the instant U.S. application has already begun. A notice of allowance was issued by examiner and mailed to the Applicant on 07/28/2009.

Telephone inquiries concerning this decision should be directed to Michael Day at (571) 272-15688.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

3 0 MAR 2009

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Alexandria, VA 22313-1450
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SUMMA, ADDITON & ASHE, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE NC 28277

In re Application of	:	
JEON, Jong Ho, et al.	:	
Application No.: 11/718,031	:	DECISION
PCT No.: PCT/KR2004/002728	:	
Int. Filing Date: 27 October 2004	:	ON REQUEST UNDER
Priority Date: None	:	
Attorney's Docket No.: 7016.013	:	37 CFR 1.497(d)
For: NONAQUEOUS ELECTROLYTE	:	
FOR BATTERY	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 26 April 2007.

BACKGROUND

On 26 April 2007, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by a declaration of the inventors, the basic national fee and a request under 37 CFR 1.497(d).

DISCUSSION

Applicants file this request to add Ho Seok Yang and Jung Kang Oh, as inventors.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Stage Processing Branch of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Yrjo Raunisto	: DECISION ON REQUEST FOR
Patent Number	: 7651045	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/718,050	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **256** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Daniel J Swirsky
55 Reuven St.
Beit Shemesh 99544 Israel

In re Application of	:
VARDI et al.	:
Application No.: 11/718,072	:
PCT No.: PCT/IL05/01124	: DECISION ON PETITION
Int. Filing Date: 27 October 2005	:
Priority Date: 27 October 2004	:
Attorney Docket No.: 1355-US	:
For: NETWORKED DEVICE CONTROL ARCHITECTURE	:

This decision is issued in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 25 June 2008.

BACKGROUND

On 27 October 2005, applicants filed international application PCT/IL05/01124, which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 May 2006. The international application named Arich Vardi; Eran Gampel; Timothy Sixtus, Ady Shimony; Yaniv Ratzon; Uriel Stettner; and Yaniv Botvinik as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 27 April 2007.

On 26 April 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a preliminary amendment; and a copy of the international application.

On 10 September 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(e).

On 25 June 2008, applicants filed a "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and a declaration and power of attorney executed by: Arich Vardi; Eran Gample; and Oded Vardi as inventors and Keira Gulp Sixtus on behalf of deceased inventor, Timothy Sixtus.

On 13 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 25 June 2008.

DISCUSSION

Petition under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c): Items (2) - (4) have been satisfied.

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). Here, the declaration filed on 25 June 2008 is defective pursuant to 37 CFR 1.497(a)(3) which requires that the declaration "identify each inventor and the residence and country of citizenship of each inventor." In this instance, the declaration submitted is executed by Arich Vardi; Eran Gample; and the legal representative of Timothy Sixtus; but fails to identify Ady Shimony; Yaniv Ratzon; Uriel Stettner; and Yaniv Botvinik. Additionally, the declaration sets forth an additional inventor (Oded Vardi) who has not been named in the international application.

Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).

> (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicants must submit either: 1) a submission under 37 CFR 1.497(d) requesting correction of the inventors named in the international application; (2) a new declaration naming and signed by only Arich Vardi; Eran Gampel; the legal representative of Timothy Sixtus, Ady Shimony; Yaniv Ratzon; Uriel Stettner; and Yaniv Botvinik accompanied by an acceptable explanation of the misnaming of the inventor on the present declaration, or (3) a showing that a 92bis change was made prior to the National stage filing.

Further, the declaration filed 25 June 2008 is not acceptable under 37 CFR 1.497. Specifically, the declaration lists the name of the second inventor as Eran GAMPEL, whereas the international application lists the name of second inventor as Eran GAMPLE. As stated in MPEP 201.03,

> a request under 37 CFR 1.48 will not be required: (B) Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required.

Applicants are required to provide an explanation of the typographical or transliteration error in the name of the second inventor. If the second inventor's name is Eran GAMPEL, as it appears on the published international application, a newly executed declaration is required.

Applicants have failed to satisfy all the requirements for a grantable petition under 37 CFR 1.137(b).

Submission under 37 CFR 1.42

The declaration submitted on 25 June 2008 is executed by the legal representative of Timothy Sixtus. The request under 37 CFR 1.42 is being held in abeyance until a declaration executed by the legal representative and all the inventors of record has been submitted.

Withdrawal of Notification of Acceptance/Official Filing Receipt

Since the declaration filed 25 June 2008 is not acceptable under 37 CFR 1.497(a)-(b), the "Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) dated 13 August 2008 was mailed in error and is hereby vacated.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains **ABANDONED**.

Accordingly, the 13 August 2008 Notification of Acceptance of Application is hereby **VACATED**.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

1 3 NOV 2008

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23913
PFIZER INC.
Steve T. Zelson
150 East 42nd Street
5th Floor - Stop 49
New York, NY 10017-5612

In re Application of :
HENNE *et al* :
U.S. Application No.: 11/718,115 :
PCT No.: PCT/IB2005/003034 :
Int. Filing Date: 03 October 2005 :
Priority Date: 07 October 2004 :
Docket No.: PC32543A :
For: BENZOIMIDAZOLE DERIVATIVES :
USEFUL AS ANTIPROLIFERATIVE :
AGENTS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 27 April 2007 is hereby **GRANTED** as follows:

The proper fees and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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OFFICE OF PETITIONS

Schnader Harrison Segal & Lewis, LLP
1600 Market Street
Suite 3600
Philadelphia, PA 19103

In re Application of	:	
Paul V. Haley et al.	:	
Application No. 11/718,129	:	DECISION ON PETITION
Filed: August 21, 2007	:	TO WITHDRAW
Attorney Docket No. 0366420-0010-PCT-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2009.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-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

cc: Townsend and Townsend and Crew, LLP
Two Embarcadero Center
8th Floor
San Francisco, CA 94111-3834

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08 APR 2009

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

In re Application of YOSHIDA et al	:	
U.S. Application No.: 11/718,138	:	
PCT Application No.: PCT/JP2005/017635	:	DECISION
Int. Filing Date: 26 September 2005	:	
Priority Date Claimed: 10 November 2004	:	
Attorney Docket No.: 07039	:	
For: DRIVING BELT	:	

This is in response to applicant's correspondence filed 20 November 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 26 September 2005, applicant filed international application PCT/JP2005/017635, which claimed priority of an earlier Japan application filed 10 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 10 May 2007.

On 27 April 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 May 2007, applicant filed an executed declaration.

On 12 November 2008, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 16 July 2008 as the date of receipt of 35 U.S.C. 371 requirements.

On 20 November 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that certain papers filed 16 July 2008 were incorrectly associated with the present application. Such papers will be moved to the correct application file. The customer number for the present application has been updated.

CONCLUSION

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

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 12 November 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 May 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

Applicant: Yasuhiko Yoshida, et al.
Appl. No.: 11/718,138
International Filing Date: September 26, 2005
Title: DRIVING BELT
Attorney Docket No.: 07039
Pub. No.: US 2009/0048049 A1
Pub. Date: February 19, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 18, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the correspondence address "DENNISON, SCHULTZ & MACDONALD, 1727 King Street, Suite 105, Alexandria, VA 22314-2700" was misprinted as "The Plevy Firm, 10 Rutgers Place, Trenton, N.J. 08618" , and the 371(c) (1), (2), and (4) date is in error, attorney states it should be "May 21, 2007" instead of "July 16, 2008".

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 correspondence address and the date of the 371(c) (1), (2), (4) 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 in the Attorney's correspondence address and the date of the 371(c) (1), (2), (4) does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine

[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 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 error to the priority date also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not usable as a reference date.

The request submitted November 20, 2008 to correct the Customer Number and date of the 371 was granted. The incorrect papers were removed from the application and the correspondence address and date for 371(c) (1), (2), (4) was corrected.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

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

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

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SCHNADER HARRISON SEGAL & LEWIS, LLP
1600 MARKET STREET
SUITE 3600
PHILADELPHIA, PA

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JUN 30 2010

OFFICE OF PETITIONS

In re Application of
GAVRIEL VEXLER ET AL.
Application No. 11/718,148
Filed: August 30, 2007
Attorney Docket No. **I0181-7025US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed June 4, 2010.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22469 has been revoked by the applicants of the patent application on July 17, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE, MA 02142

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

In re Application of :
Niki S. WOODHEAD, et al. :
Application No. 11/718,172 : DECISION ON PETITION TO
Filed: June 5, 2006 : WITHDRAW FROM RECORD
Attorney Docket No. **20410/0206826-US0** :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 27, 2009.

The request is **APPROVED**.

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

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

All future communications from the Office will be directed to the assignee of the entire interest Rencol Tolerance Rings LTD., at the address below until otherwise properly notified by the applicant.

There is an outstanding Final Office action mailed March 31, 2009 that requires a reply from 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: **RENCOL TOLERANCE RINGS, LTD.**
UNIT 16 CONCORDE ROAD
PATCHWAY
BRISTOL BS34 5TB GB

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PROTEUS BIOMEDICAL, INC.
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO, CA 94303

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OFFICE OF PETITIONS

In re Application of	:	
Marc JENSON, et al	:	
Application No. 11/718,201	:	DECISION ON PETITION
Filed: May 27, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PRTS-016	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 23, 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 **DISMISSED**.

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 does not include: (1) the name, signature and registration number of the representative making the certification; and (2) the complete name of at least one inventor who is 65 years of age or more.

The application information should also be completed.

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).

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

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

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to Technology Center 3766 for processing in its regular turn.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
Marc JENSON, et al	:	CORRECTED
Application No. 11/718,201	:	DECISION ON PETITION
Filed: May 27, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PRTS-016	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 23, 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 made by registered attorney Bret E. Field, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

The application is being forwarded to Technology Center Art Unit 3766 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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11 JUL 2008

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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

In re Application of: BLADH, Hakan, et al.
U.S. Application No.: 11/718,214
PCT No.: PCT/SE2005/001610
Int'l Filing Date: 26 October 2005
Priority Date: 29 October 2004
Atty Ref.: 06275-548US1/101605-1PUS
For: NOVEL SULPHONAMIDE DERIVATIVES AS GLUCO-CORTICOID RECEPTOR MODULATORS FOR THE TREATMENT OF INFLAMMATORY DISEASES

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Pursuant To 37 CFR 1.47(a)" filed 15 February 2008. Applicants have submitted $130 as the petition fee; however, the required petition fee is $200. Deposit Account No. 06-1050 will be charged the additional $70 needed to complete the petition fee.

BACKGROUND

On 26 October 2005, applicants filed international application PCT/SE2005/001610. The international application claimed a priority date of 29 October 2004, and it designated the United States. On 04 May 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 April 2007.

On 27 April 2007, applicants filed a Transmittal Letter for entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 28 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 15 February 2008, applicants filed a "Response To Notification Of Missing Requirements" (with required extension fee). The submission included payment of the required surcharge, a partially executed declaration, and the petition considered herein. The petition seeks acceptance of the application without the signature of co-inventor Vijaykumar HULIKAL, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the required petition fee, and the petition sets forth the last known address of the non-signing inventor. Accordingly, items (1) and (2) are satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

The petition includes a declaration containing an unsigned signature box identifying the non-signing inventor, Vijaykumar HULIKAL; the declaration is executed by the other inventors of record. This declaration may be treated as having been executed by the available inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the non-signing inventor has refused to execute the declaration. Where it is asserted that an inventor has refused to execute the application papers, section 409.03(d) of the MPEP states that a "copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." Here, applicants have provided a firsthand statement from Robert C. Nabinger, with documentary support, demonstrating that a request for signature (accompanied by a copy of the complete application) was forwarded to the non-signing inventor at his last known address and was received at this address, and that the inventor failed to provide the requested signature in response to such request. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of inventor Vijaykumar HULIKAL.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the inventor of the application will be forwarded to the non-signing inventor at his last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 February 2008.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

11 JUL 2008

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Dr. Vijaykumar HULIKAL
#57, II Cross
GKW Layout
Vijaynagar, Bangalore 560 040
INDIA

In re Application of: BLADH, Hakan, et al.
U.S. Application No.: 11/718,214
PCT No.: PCT/SE2005/001610
Int'l Filing Date: 26 October 2005
Priority Date: 29 October 2004
Atty Ref.: 06275-548US1/101605-1PUS
For: NOVEL SULPHONAMIDE DERIVATIVES AS GLUCOCORTICOID RECEPTOR MODULATORS FOR THE TREATMENT OF INFLAMMATORY DISEASES

Dear Dr. HULIKAL:

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

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

Richard M. Ross
Attorney Advisor
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Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
ROBERT C. NABINGER
FISH & RICHARDSON P.C.
P.O BOX 1022
MINNEAPOLIS MN 55440-1022

1 9 AUG 2008

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C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	:	
HOSHINO et al.	:	
Application No.: 11/718,219	:	DECISION
PCT No.: PCT/JP2005/019950	:	
Int. Filing Date: 25 October 2005	:	
Priority Date: 04 November 2004	:	
Attorney Docket No.: 40404.65/mo	:	
For: POWER SUPPLY UNIT AND	:	
PORATABLE DEVICE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 31 August 2007 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 25 October 2005, applicants filed international application PCT/JP2005/019950, which designated the United States and claimed a priority date of 04 November 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2007.

On 27 April 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 31 August 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or

cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) have been satisfied. Item (2) has also been satisfied. Applicant has established that the non-signing inventor Taichi Hoshino refuses to execute the declaration after presentation with a complete copy of the application papers.

Item (4) has not been satisfied. The declaration of inventors filed 17 March 2008 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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2 8 OCT 2008

ROHM CO., LTD.
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1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	:	
HOSHINO et al.	:	
Application No.: 11/718,219	:	DECISION
PCT No.: PCT/JP2005/019950	:	
Int. Filing Date: 25 October 2005	:	
Priority Date: 04 November 2004	:	
Attorney Docket No.: 40404.65/mo	:	
For: POWER SUPPLY UNIT AND	:	
PORATABLE DEVICE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 21 August 2008 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 25 October 2005, applicants filed international application PCT/JP2005/019950, which designated the United States and claimed a priority date of 04 November 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2007.

On 27 April 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 31 August 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors.

On 19 August 2008, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that the declaration of inventors filed 31 August 2007 was not in compliance with 37 CFR 1.69(b); i.e., applicants had not used one of the pre-approved foreign language forms nor had applicants furnished the requisite statement attesting to the accuracy of the translation.

On 21 August 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which included a statement attesting to the accuracy of the translation of the declaration of inventors filed 31 August 2007

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision issued 19 August 2008, items (1), (2), and (3) have been met.

Item (4) has now been met as well. The declaration filed 31 August 2007 and the statement attesting to the accuracy of the translation of the declaration filed 21 August 2008 satisfy 37 CFR 1.497(b) and 37 CFR 1.69(b).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **31 August 2007**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Taichi Hoshino
2-12-38 Fujigaoka, Aoba-ku
Yokohama
Kanagawa, 227-0043
Japan

In re Application of
HOSHINO et al.
Application No.: 11/718,219
PCT No.: PCT/JP2005/019950
Int. Filing Date: 25 October 2005
Priority Date: 04 November 2004
Attorney Docket No.: 40404.65/mo
For: POWER SUPPLY UNIT AND PORATABLE DEVICE

Dear Mr. Hoshino:

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

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

/Daniel Stemmer/

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Reston VA 20191

In re Application of	:	
HOSHINO, Taichi et al.	:	
Application No.: 11/718,220	:	DECISION
PCT No.: PCT/JP2005/019954	:	
Int. Filing Date: 25 October 2005	:	ON PETITION UNDER
Priority Date: 04 November 2004	:	
Docket No.: 40404.66/mo	:	37 CFR 1.47(a)
For: POWER SUPPLY UNIT AND	:	
PORTABLE DEVICE	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 31 August 2007.

BACKGROUND

On 27 April 2007, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 31 August 2007, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2) and (3) have been met. The $200 petition fee has been paid. Applicant has established that the inventor refuses to execute the declaration after presentation with a complete copy of the application papers, including the declaration. Applicant states the last known address of Mr. Taichi Hoshino as 2-12-38 Fujigaoka, Aoba-ku, Yokohama, Kanagawa, 227-0043, Japan.

Item (4) has not been satisfied. The declaration contains foreign language text, but is not a USPTO form. A statement under 37 CFR 1.69 or a new oath or declaration is required.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

3 0 SEP 2008

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In re Application of	:	
HOSHINO, Taichi et al.	:	
Application No.: 11/718,220	:	DECISION
PCT No.: PCT/JP2005/019954	:	
Int. Filing Date: 25 October 2005	:	ON PETITION UNDER
Priority Date: 04 November 2004	:	
Docket No.: 40404.66/mo	:	37 CFR 1.47(a)
For: POWER SUPPLY UNIT AND	:	
PORTABLE DEVICE	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 06 August 2008.

BACKGROUND

On 21 July 2008, the Office mailed Decision On Petition Under 37 CFR 1.47(a)

On 06 August 2008, applicants filed a renewed petition under 37 CFR 1.47(a), accompanied by a statement under 37 CFR 1.69.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2) and (3) were previously satisfied. Applicant states the last known address of Mr. Taichi Hoshino as 2-12-38 Fujigaoka, Aoba-ku, Yokohama, Kanagawa, 227-0043, Japan.

Item (4) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **31 August 2007**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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30 SEP 2008

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P.O. Box 1450
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Mr. Taichi Hoshino
2-12-38 Fujigaoka
Aoba-ku, Yokohama
Kanagawa 227-0043
Japan

In re Application of
HOSHINO, Taichi et al.
Application No.: 11/718,220
PCT No.: PCT/JP2005/019954
Int. Filing Date: 25 October 2005
Priority Date: 04 November 2004
Docket No.: 40404.66/mo
For: POWER SUPPLY UNIT AND PORTABLE DEVICE

Dear Mr. Hoshino:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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SUITE 850
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of	:
Hoshino, et al.	: DECISION GRANTING STATUS
Application No. 11/718,223	: UNDER 37 CFR 1.47(a)
Eff. Date: April 27, 2007	:
Atty. Dkt. No.: 40404.64/mo	:
For: POWER SUPPLY UNIT AND	:
PORTABLE DEVICE	:

This decision is in response to the petition under 37 CFR 1.47(a), filed August 31, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor has refused to execute the declaration for the above-identified application and/or cannot be reached or located for presentation and execution of same, and is thus unavailable.

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 is being forwarded to the Office of Initial Patent Examination for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Taichi Hoshino
2-12-38 Fojigaoka
Aoba-ku
Yokohama, Kanagawa, 227-0043
Japan

In re Application of	:
Hoshino, et al.	: LETTER
Application No. 11/718,223	:
Eff. Date: April 27, 2007	:
Atty. Dkt. No.: 40404.64/mo	:
For: POWER SUPPLY UNIT AND	:
PORTABLE DEVICE	:

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

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Commissioner for Patents
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of	:	
LEE, HYUNG-SOO, et al.	:	DECISION ON REQUEST TO
Application No. 11/718,262	:	PARTICIPATE IN PATENT
Filed: April 30, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No.: CU-5670 WWP	:	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 November 07, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

MCGARRY BAIR PC
32 Market Ave. SW
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GRAND RAPIDS MI 49503

In re Application of
Mol, et al.
Application No. 11/718,274
Filed: April 30, 2007
Atty. Dkt. No.: 71977-0106

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154 AND 37 C.F.R. § 1.705(B)," filed March 5, 2009. This matter is being treated as an application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED**.

The Determination of Patent Term Extension mailed February 6, 2009 indicated that the application is entitled to an extension of zero days. Applicants argue that the application is entitled to a patent term adjustment of 81 days.

The correct PTA at the time of the allowance is 81 days, as argued.

A review of the record reveals that the application is entitled to an adjustment of 81 days, as argued by applicants, in accordance with 37 CFR 1.702(a)(1) in connection with the mailing of the non-final Office action on September 19, 2008. The adjustment commenced July 1, 2008, the day after the date that the application fulfilled the requirements of 35 U.S.C. 371, and ended September 19, 2008, the date that the non-final Office action was mailed. See, 37 CFR 1.703(a)(2).

In view thereof, as of the time of allowance, the application is entitled to an adjustment of 81 days (adjustment totaling 81 days less reductions totaling zero days).

Receipt is hereby acknowledged of the required PTA application fee of $200.00. In accordance with 37 CFR 1.18(e), submission of the patent term adjustment application fee of $200.00 is required prior to treatment on the merits of any request for reconsideration of patent term adjustment pursuant to 37 CFR 1.705(b).

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publications for issuance of a patent.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Adjusted PAIR Calculation

Day : Monday
Date: 8/31/2009

PALM INTRANET

Time: 09:50:05

PTA Calculations for Application: 11/718274			
Application Filing Date:	04/30/2007	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	81
PTO Delay Adjustment:	81		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
39	08/31/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	81		
30	02/06/2009	MAIL NOTICE OF ALLOWANCE			
29	02/04/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
28	02/04/2009	ISSUE REVISION COMPLETED			
27	02/04/2009	DOCUMENT VERIFICATION			
26	02/02/2009	NOTICE OF ALLOWABILITY			
25	01/29/2009	DATE FORWARDED TO EXAMINER			
24	12/18/2008	RESPONSE AFTER NON-FINAL ACTION			
23	09/19/2008	MAIL NON-FINAL REJECTION			
22	09/17/2008	NON-FINAL REJECTION			
20	04/30/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	03/25/2008	CASE DOCKETED TO EXAMINER IN GAU			
14	04/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	11/22/2007	PG-PUB ISSUE NOTIFICATION			
12	09/04/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	04/30/2007	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
10	04/30/2007	REFERENCE CAPTURE ON IDS			
9	04/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	04/30/2007	PRELIMINARY AMENDMENT			
7	08/22/2007	APPLICATION DISPATCHED FROM OIPE			
6	05/03/2007	371 COMPLETION DATE			
5	08/16/2007	SENT TO CLASSIFICATION CONTRACTOR			

4	08/16/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	05/10/2007	CLEARED BY OIPE CSR			
2	05/10/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/30/2007	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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1 9 SEP 2008

Oblon, Spivak, Mcclelland Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of :
MITSUHASHI et al. :
U.S. Application No.: 11/718,282 :
PCT No.: PCT/JP05/19898 :
Int. Filing Date: 28 October 2005 : DECISION ON PETITION
Priority Date: 29 October 2004 :
Attorney Docket No.: 305744US0PCT :
For: METHOD OF GENE SCREENING WITH YEAST HAVING ERGOSTEROL SYNTHASE UNDERGOING INDUCIBLE EXPRESSION :

This decision is in response to applicants' "Declaration of Kaoru Mitsuhashi" filed 26 June 2007, treated herein under 37 CFR 1.182. Applicants are requesting to change the name of the first inventor from Kaoru Ogawa to Kaoru Mitsuhashi due to marriage. The petition was accompanied by an affidavit signed by Kaoru Mitsuhashi using both her former name and present name. The petition fee under 37 CFR 1.17 has been charged to Deposit Account no. 15-0030.

DISCUSSION

The Manual of Patent of Examining Procedure at §605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Here, applicants' submission included the authorization to charge counsel's Deposit Account the required fees, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted an "Declaration of Kaoru Mitsuhashi" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Kaoru Mitsuhashi as a result of marriage.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Kaoru Ogawa to Kaoru Mitsuhashi is **GRANTED**.

Based on the above, the declaration filed 30 April 2007 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 703-308-6314
Facsimile: 703-308-6459

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THE DICKINSON LAW OFFICES
ATTN: DAVID DICKINSON
PO BOX 801619
HOUSTON TX 77280

COPY MAILED

DEC 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Rives	:	
Application No. 11/718,315	:	DECISION
Filed: 30 April, 2007	:	
Attorney Docket No. RIV-21/US	:	

This is a decision on the petition filed on 4 September, 2009, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay .

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

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the drawings requirement of the Notice of Allowance/Allowability and Fees Due mailed on 27 April, 2009, with reply due under a non-extendable deadline on or before 27 July, 2009.

The application went abandoned by operation of law after midnight 27 July, 2009.

The Office mailed the Notice of Abandonment on 20 August, 2009.

On 4 September, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of drawings and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

---

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

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Publication Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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30 AUG 2007

ZARLEY LAW FIRM P.L.C.
CAPITAL SQUARE
400 LOCUST STREET, SUITE 200
DES MOINES, IA 50309-2350

In re Application of REIJERS Application No.: 11/718,322 PCT No.: PCT/NL05/50019 Int. Filing Date: 20 October 2005 Priority Date: 22 October 2004 Attorney Docket No.: P07094US0-REIJERS For: DEVICE AND METHOD FOR REMOVING LIQUID FROM A FOOD STRAND	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 April 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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

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3 0 AUG 2007

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CAPITAL SQUARE
400 LOCUST STREET, SUITE 200
DES MOINES, IA 50309-2350

In re Application of REIJERS Application No.: 11/718,322 PCT No.: PCT/NL05/50019 Int. Filing Date: 20 October 2005 Priority Date: 22 October 2004 Attorney Docket No.: P07094US0-REIJERS For: DEVICE AND METHOD FOR REMOVING LIQUID FROM A FOOD STRAND	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 April 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
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STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON DC 20036

In re Application of :
Ramu et al. :
Application No.: 11/718,326 :
PCT No.: PCT/US05/35423 :
Int. Filing Date: 03 October 2005 : DECISION
Earliest Priority Date: 01 October 2004 :
Attorney Docket No.: L1081.07102 :
For: System And Method For Controlling Four-Quadrant :
Operation Of A Switched Reluctance Motor Drive :
Through A Single Controllable Switch :

The petition to revive under 37 CFR 1.137(b) filed on 30 April 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee. The $750.00 petition fee is being charged to Deposit Account 19-4375, as authorized by the petition. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

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HYUN JONG PARK
PARK & ASSOCIATES IP LAW LLC
265 BIC DRIVE
SUITE 106
MILFORD CT 06461

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Kim, Sung-Il	:	
Application No. 11/718,331	:	ON PETITION
Filed: April 30, 2007	:	
Attorney Docket No. 0144-Pool5A	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Response to Official Action, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

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

This matter is being referred to Technology Center AU 1792 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

MAILED

JUL 08 2010

OFFICE OF PETITIONS

In re Application of :
Koshi Tokunaga :
Application No. 11/718,372 :
Filed: May 1, 2007 :
Attorney Docket No. B588-601 (25815.614)

ON PETITION

This is a decision on the petition, filed July 7, 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 17, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2628 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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PAUL HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

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JUN 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Thomas ADAMS, et al	:	
Application No. 11/718,379	:	DECISION ON PETITION
Filed: October 11, 2007	:	TO WITHDRAW
Attorney Docket No. 45283.00005.UTL	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 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 Michael Reed on behalf of all attorneys/agents associated with Customer No. 36183.

All attorneys/agents associated with Customer No. 36183 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 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: IRIS MOLECULAR DIAGNOSTICS, INC.
9172 ETON AVENUE
CHATSWORTH, CA 91311

DUANE MORRIS LLP
ATTN: DOUGLAS E. OLSON
101 WEST BROADWAY, SUITE 900
SAN DIEGO, CA 92101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/718,379	10/11/2007	Thomas Adams	45283.00005.UTL

CONFIRMATION NO. 5915

POWER OF ATTORNEY NOTICE

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

OC000000030292114

Date Mailed: 06/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/19/2008.

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

/dcgoodwyn/

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

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2 1 OCT 2009

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JHK LAW
P.O. BOX 1078
LA CANADA CA 91012-1078

In re Application of	:	
KANG et al.	:	DECISION ON
Application No.: 11/718,39 1	:	
PCT No.: PCT/KR2006/3001589	:	
Int. Filing Date: 01 May 2007	:	
Priority Date: 27 April 2006	:	PETITION UNDER
Attorney Docket No.: 58049-0040	:	
For: B CELL-BASED VACCINE LOADED...	:	
CELL AND ANTIGEN	:	37 CFR 1.181

This decision is in response to the "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed 15 June 2009, which is being treated as a petition under 37 CFR 1.181, stating that the list of inventors on the Oath filed on December 17, 2008 is correct.

BACKGROUND

On 01 May 2007, applicants filed entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the English translation of the international application.

On 02 October 2007, applicants filed an executed declaration.

On 05 December 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date... in that it: does not identify the application to which it is directed." The Notice stated that the above items must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 17 December 2008, applicants re-filed a copy of the executed declaration.

On 15 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that ... the inventors mentioned on oath dated 12-17-2009 does not correspond with inventors on International Application; please clarify.

On 12 June 2009, applicants filed this response stating that list of inventors on the Oath filed on December 17, 2008 is correct.

DISCUSSION

A review of the file reveals that the above reference application 11/718,391 is a national stage of international application **PCT/KR2006/001589**, and not as stated in the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) and "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916), which refers to the international application as PCT/KR2005/001589. These forms were mailed erroneously because they refer to a different international application.

Applicants did file a correct executed declaration on 02 October 2007 and 07 December 2008 with the correct listing of inventors for international application PCT/KR2006/001589. As a result the NOTIFICATION OF MISSING REQUIREMENTS UNDER (Form PCT/DO/EO/905) mailed on 05 December 2008 and NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) mailed on 15 May 2009 are **VACATED** with the mailing of this decision.

DECISION

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

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

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

1 1 JUN 2007

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of	:	
GUILLORIT	:	
Application No.: 11/718,399	:	DECISION
Attorney's Docket No.: US040460US2	:	

This decision is in response to applicant's "PETITION TO REMOVE ITEMS SUBMITTED IN ERROR" which has properly been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 02 May 2007, applicants filed an electronic submission for entry into the U.S. national stage under 35 U.S.C. 371. In the Graphical User Interface, the international application number was identified as PCT/IB05/53561. In the Application Data Sheet, the international application number was identified as PCT/IB2005/053559 and the docket number was identified as US040445US2. The application papers were accorded application number 11/718,399.

Later on 02 May 2007, applicants filed in application number 11/718,399, a second electronic submission for entry into the U.S. national stage under 35 U.S.C. 371. It appears from the acknowledgment receipt that the international application number was not identified in the Graphical User Interface. However, in the Application Data Sheet, the international application number is identified as PCT/IB20025/053, which is not a valid international application number. The docket number was identified as US040460US2.

DISCUSSION

The petition requests that the Application Data Sheet, the Information Disclosure Statement, the Declaration, and any other information and/or documents which pertain to Docket No. US040445US2, PCT/IB05/53559, inventors Steffen C. Pauws and Fabio F. Vignoli, entitled "Method and System for Refining a Media Program Item by Item". However, as noted above, it is not clear which international application number is intended.

Accordingly, the petition has been treated as a petition under 37 CFR 1.182 to resolve the above-stated inconsistencies. The petition fee has not been paid. Nor have the inconsistencies been resolved.

The request to remove the items identified above should be filed as a petition under 37 CFR 1.59. See MPEP § 724.05, item II.

DECISION

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

Applicant is required to file a reply to this communication resolving the above-stated inconsistency. A proper reply would include a renewed petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(h), to correct the international application number. (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent).

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely file a proper response will result in abandonment of the application.

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

Daniel Stemmer
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of	:	
GUILLORIT	:	
Application No.: 11/718,399	:	DECISION
PCT No.: PCT/IB2005/053561	:	
Int. Filing Date: 01 November 2005	:	
Priority Date: 04 November 2004	:	
Attorney's Docket No.: US040460US2	:	
For: EVENT DISPLAY CONTROLLED BY	:	
INTERACTIVE DIGITAL TV APPLICATION	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.182 filed 26 October 2007.

BACKGROUND

On 02 May 2007, applicants filed an electronic submission for entry into the U.S. national stage under 35 U.S.C. 371. In the Graphical User Interface, the international application number was identified as PCT/IB05/53561. In the Application Data Sheet, the international application number was identified as PCT/IB2005/053559 and the docket number was identified as US040445US2. The application papers were accorded application number 11/718,399.

Later on 02 May 2007, applicants filed in application number 11/718,399, a second electronic submission for entry into the U.S. national stage under 35 U.S.C. 371. It appears from the acknowledgment receipt that the international application number was not identified in the Graphical User Interface. However, in the Application Data Sheet, the international application number is identified as PCT/IB20025/053, which is not a valid international application number. The docket number was identified as US040460US2.

On 03 May 2007, applicant submitted a "PETITION TO REMOVE ITEMS SUBMITTED IN ERROR" requesting that the Application Data Sheet, the Information Disclosure Statement, the Declaration, and any other information and/or documents which pertain to Docket No. US040445US2, PCT/IB05/53559, inventors Steffen C. Pauws and Fabio F. Vignoli, entitled "Method and System for Refining a Media Program Item by Item" be removed.

On 11 June 2007, a decision was mailed properly treating the petition filed 03 May 2007

as a petition under 37 CFR 1.182 and dismissing it without prejudice because the petition fee had not been paid and it was not clear which international application number was intended. The decision also noted that the request to remove items should be filed as a petition under 37 CFR 1.59 (MPEP § 724.05, item II.)

On 13 July 2007, applicants filed a petition under a "PETITION UNDER 37 CFR 1.59" indicating that it was applicant's understanding that the filing of a petition under 37 CFR 1.59 was required and not a renewed petition under 37 CFR 1.182.

On 26 September 2007, a communication was mailed indicating that applicant's understanding was incorrect and that a grantable renewed petition under 37 CFR 1.182 was required before the petition under 37 CFR 1.59 could be decided.

On 26 October 2007, the instant renewed petition under 37 CFR 1.182 was filed.

DISCUSSION

Petition Under 37 CFR 1.182

The petition fee has been paid. The renewed petition indicates that the correct international application number is PCT/IB05/53561 and that the Application Data Sheet, the Information Disclosure Statement, the Declaration, and any other information and/or documents which pertain to Docket No. US040445US2, PCT/IB05/53559, inventors Steffen C. Pauws and Fabio F. Vignoli, entitled "Method and System for Refining a Media Program Item by Item"were submitted in error without deceptive intent.

The present application is the national stage application of international application PCT/IB05/53561.

Petition Under 37 CFR 1.59

The petition fee has been paid. The Application Data Sheet, the Information Disclosure Statement, the Declaration, and any other information and/or documents which pertain to Docket No. US040445US2, PCT/IB05/53559, inventors Steffen C. Pauws and Fabio F. Vignoli, entitled "Method and System for Refining a Media Program Item by Item" have been removed.

DECISION

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

For the reasons set forth above, the petition under 37 CFR 1.59 has been **GRANTED**.

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

/Daniel Stemmer/

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In re Application of	:	
SHIN et al.	:	
Application No.: 11/718,449	:	DECISION
PCT No.: PCT/KR2005/003665	:	
Int. Filing Date: 02 November 2005	:	
Priority Date: 02 November 2004	:	
Attorney Docket No.: 428.1088	:	
For: HUMAN INTERFERON-BETA MUTEIN	:	

This decision is in response to applicants' request for refund filed 11 May 2007 and applicants' declaration of inventors filed 31 May 2007.

BACKGROUND

On 02 November 2005, applicant filed international application PCT/KR2005/003665, which designated the U.S. and claimed a priority date of 02 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 May 2007.

On 02 May 2007, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 11 May 2007, applicant filed a submission which was accompanied by, *inter alia*, a request for refund and an assertion of small entity status.

On 31 May 2007 applicant filed a submission which included a declaration of inventors.

DISCUSSION

Request for Refund

The request for refund filed 11 May 2007 requests a refund of one-half of the fees submitted on 02 May 2007 and is accompanied by an assertion of small entity status. A refund pursuant to 37 CFR 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under 37 CFR 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. 37 CFR 1.28(a). Here, an

assertion of small entity status under 37 CFR 1.27(c) and a request for refund of the excess amount have been filed within three months of the timely payment of the full fee. Accordingly, Deposit Account 02-2275 has been credited $630. (Although applicant requested $680, the national stage search fee was properly reduced from $500 to $400 on 20 September 2007. Accordingly, the proper refund is $630 rather than $680.)

Declaration of Inventors

The declaration of inventors filed 31 May 2007 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in the first-named inventor on the international application between the published international application (Mun Kyung SO) and the declaration of the inventor (Moon Kyoung SO). It is not clear if there was a typographical error in the first name of the inventor as indicated in the international application (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c)) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).

It is also noted that while only three inventors are listed in the published international application and twelve inventors are listed in the declaration of inventors, a Form PCT/IB/306 indicating the recording of a change under PCT Rule 92bis exists for each of the additional nine inventors. Therefore, there is no discrepancy between the inventorship listed in the international application and on the declaration of inventors filed 31 May 2007. See 37 CFR 1.41(a)(4).

CONCLUSION

The request for refund under 37 CFR 1.26 is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. A proper response would be a new oath(s) or declaration(s) properly identifying the first-named inventor (as well as all of the other inventors) and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the first and middle name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c)) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Refund Ref:
10/01/2007 0030045353

Credit Card Refund Total: $630.00

Am Exp..: XXXXXXXXXXX2037

10/01/2007 SBASHEIR 00000006 11718449

01 FC:2631		150.00 OP
02 FC:2642		200.00 OP
03 FC:2633		100.00 OP
04 FC:2616		180.00 OP

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In re Application of: WITTE, Matthew, Ward, et al. U.S. Application No.: 11/718,464 PCT No.: PCT/US2005/038909 International Filing Date: 28 October 2005 Priority Date: 02 November 2004 Atty's Docket No.: 20084/1201042-US1 For: ELECTRONIC COMPONENTS ASSOCIATED AND APPARATUS FOR DEIONIZATION AND ELECTROCHEMICAL PURIFICATION AND REGENERATION OF ELECTRODES	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 05 May 2008. Applicants have paid the required petition fee.

BACKGROUND

On 28 October 2005, applicants filed international application PCT/US2005/038909. The international application claimed a priority date of 02 November 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 02 May 2007.

On 02 May 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 03 October 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 05 May 2008, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included a partially executed declaration and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of co-inventors Matthew Ward WITTE

and James R. FAJT, whom applicants assert have refused to execute the application or cannot be located after diligent effort.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the four inventors of record in the international application, and the declarations contain unsigned signature block for the non-signing inventors, Matthew Ward WITTE and James R. FAJT. These declarations can be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventors. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

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

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from Flynn Barrison, with supporting documents. With respect to inventor WITTE, the statement indicates that on three occasions between October 2007 and April 2008, Mr. Barrison forwarded copies of the application and a declaration for signature to Mr. WITTE via Federal Express, without receiving a response. However, no evidence has been presented to confirm that these mailings were received by the inventor, and the statement indicates that, subsequent to these mailings, counsel was informed of a new address for inventor WITTE. Mr. Barrison states that a declaration for signature was then sent to inventor WITTE at the new address. However, the letter directed to the new address was not sent by Mr. Barrison (the

attached copy of the letter indicates that the letter was signed by Paul Fields); Mr. Barrison is therefore is not the proper person to be providing the statement confirming such mailing. Moreover, the letter mailed to the inventor's current address refers to a conversation between inventor WITTE and Mr. Fields, details of which have not been provided in the present petition (e.g., did the inventor indicate that he had received any of the previous mailings?). In addition, it does not appear that this letter was accompanied by a copy of the complete application, as required. In sum, the materials provided do not provide an adequate showing that inventor WITTE has refused to execute the application. It appears that the mailings made by Mr. Barrison (which included copies of the complete application) were directed to an old address and therefore were not received by the inventor. As such, the failure to respond to these mailings does not support a finding of a refusal to sign. With respect to the final mailing, directed to the new address of the inventor, applicants have not provided a firsthand statement from Mr. Fields, the person who mailed this letter, confirming the mailing and the enclosures included. Moreover, it does not appear from the present record that this mailing included a copy of the application, as required. Applicants must provide supplemental materials confirming that either inventor WITTE received the signature requests directed to his prior address or that a request for signature, accompanied by a copy of the complete application, was delivered to the inventor at his current address and that the inventor refused to provide the requested signature in response to such request. Until such materials are filed, item (4) is not satisfied with respect to inventor Matthew Ward WITTE.

With respect to inventor FAJT, Mr. Barrison states that, in response to a mailing that included a copy of the complete application, inventor FAJT provided a signed declaration containing unacceptable handwritten notations and that, in response to a subsequent mailing, the inventor provided a second signed declaration again containing an unacceptable handwritten annotation (this time in the inventor's address). The statement indicates that another request for signature, accompanied by a corrected copy of the declaration and the application papers, was then mailed to the inventor on 13 February 2008, and that no response to this mailing has been received. However, applicants have not included in the petition any of the responsive correspondence received from the inventor, or a firsthand statement from the person(s) who spoke with the inventor after the mailing of the signature requests, as necessary to confirm the receipt of the signature request by the inventor. In addition, the 13 February 2008 mailing to inventor FAJT was signed by Paul Fields, not Mr. Barrison. In that the inventor's failure to respond to this final mailing would serve as the basis for a finding that this inventor has refused to execute the application, a statement from Mr. Fields providing firsthand confirmation of this mailing is required before it can be concluded that inventor FAJT has refused to execute the application. Until such supplemental materials are filed, item (4) is not satisfied with respect to inventor James R. FAJT.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)"

and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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In re Application of: WITTE, Matthew, Ward, et al. U.S. Application No.: 11/718,464 PCT No.: PCT/US2005/038909 International Filing Date: 28 October 2005 Priority Date: 02 November 2004 Atty's Docket No.: 20084/1201042-US1 For: ELECTRONIC COMPONENTS ASSOCIATED AND APPARATUS FOR DEIONIZATION AND ELECTROCHEMICAL PURIFICATION AND REGENERATION OF ELECTRODES	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 25 November 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 25 September 2008. The decision dismissed without prejudice applicant's original petition under 37 CFR 1.47(a) for failure to satisfy all requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that the two non-signing inventors refused to execute the application or cannot be located after diligent effort.

On 25 November 2008, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes supplemental materials describing the efforts made to obtain the signatures of the non-signing inventors, including a statement from Paul Fields, with accompanying exhibits.

With respect to inventor Matthew Ward WITTE, Mr. Fields' statement indicates that, in a telephone discussion with Mr. WITTE on 24 March 2008, Mr. WITTE confirmed receipt of the request for signature previously mailed (with the complete application) to his prior address. Mr. Fields also states that Mr. WITTE provided him at such time with a new, current address. Mr.

Fields goes on to state that, pursuant to standard practice, the signature request mailed on 26 March 2008 to the new address provided by Mr. WITTE would have included a copy of the complete application, and he has provided evidence of delivery of the 26 March 2008 signature request to the new address provided by Mr. WITTE. Mr. Fields also confirms that Mr. WITTE has not provided an executed declaration in response to the signature requests discussed. These materials, in combination with those previously submitted, provide an acceptable showing the Matthew Ward WITTE has refused to execute the application.

With respect to James R. FAJT, the renewed petition includes evidence of this inventor's unacceptable responses to earlier signature requests, as discussed in the original petition. In addition, Mr. Fields confirms the mailing of the final request for signature to Mr. FAJT on 13 February 2008 (which was signed by Mr. Fields), and provides evidence of delivery of such mailing to the inventor's address. Finally, Mr. Fields indicates that no response to this request has been received. These materials, in combination with those previously submitted, provide an acceptable showing the James R. FAJT has refused to execute the application.

Based on the above, applicants have now satisfied the final requirement of a grantable petition under 37 CFR 1.47(a) with respect to both non-signing inventors.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventors Matthew Ward WITTE and James R. FAJT.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventors of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 May 2008.

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James R. FAJT
604 Benchmark Drive
College Station, Texas 77845

In re Application of: WITTE, Matthew, Ward, et al.
U.S. Application No.: 11/718,464
PCT No.: PCT/US2005/038909
International Filing Date: 28 October 2005
Priority Date: 02 November 2004
Atty's Docket No.: 20084/1201042-US1
For: ELECTRONIC COMPONENTS ASSOCIATED AND APPARATUS FOR DEIONIZATION AND ELECTROCHEMICAL PURIFICATION AND REGENERATION OF ELECTRODES

Dear Mr. FAJT:

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

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

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Counsel Of Record:
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Matthew Ward WITTE
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Tecumseh, MI 49286

In re Application of: WITTE, Matthew, Ward, et al.
U.S. Application No.: 11/718,464
PCT No.: PCT/US2005/038909
International Filing Date: 28 October 2005
Priority Date: 02 November 2004
Atty's Docket No.: 20084/1201042-US1
For: ELECTRONIC COMPONENTS ASSOCIATED AND APPARATUS FOR DEIONIZATION AND ELECTROCHEMICAL PURIFICATION AND REGENERATION OF ELECTRODES

Dear Mr. WITTE:

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

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

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875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

COPY MAILED
JAN 08 2010

Applicant: Beckers et al.
Appl. No.: 11/718,491
International Filing Date: October 24, 2005
Title: PROCESS FOR MAKING A TABLET
Attorney Docket: 102792-724
Pub. No.: US 2009/0018043 A1
Pub. Date: January 15, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 16, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the claim contains an error of "compressing compression" rather than "compressing."

37 CFR 1.221 (b) is applicable:

> "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" (*emphasis added*).

A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

MPEP 1130(B) sets forth non-material mistakes:

> Applicants should not file requests for corrected publication that include no material error made by the Office . . . failure to include an amendment is not an Office error. See MPEP § 1121. For example, applicants should not file

[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).

a request for a corrected publication under 37 CFR 1.221(b) for the following situations:

* * *

(E) The publication includes typographical errors that do not affect the interpretation of the published claims." (*emphasis added*).

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The published claim 2 recites the phrase "compressing compression" rather than "compressing." While the claim is clearly grammatically incorrect, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim. This error therefore 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 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 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

2 0 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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23347
GLAXOSMITHKLINE
Corporate Intellectual Property, MAI B482
Five Moore Drive
P.O. Box 13398
Research Triangle Park, NC 27709-3398

In re Application of
MERCEP *et al*
U.S. Application No.: 11/718,505
PCT No.: PCT/IB2005/003213
Int. Filing Date: 27 October 2005
Priority Date: 27 October 2004
Attorney Docket No.: PLP567USw
For: CONJUGATES WITH ANTI-INFLAMMATORY ACTIVITY

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 02 May 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration of inventorship pursuant to PCT Rule 4.17(iv) and in compliance with 37 CFR 1.497(a) and (b) was provided in the international application. The $130.00 surcharge fee has been charged to Deposit Account No. 07-1392 as authorized.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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25 FEB 2008

28986
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, N.W.
Suite 1100
Washington DC 20036

In re Application of
ANANTHAN *et al*
U.S. Application No.: 11/718,565
PCT No.: PCT/US2005/037607
Int. Filing Date: 27 August 2004
Priority Date: 27 August 2003
Attorney Docket No.: 21381-00082-US2
For: PYRIDOMORPHINANS, PYRIDAZINOMORPHINANS AND USE THEREOF

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 03 May 2007 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

However, the declaration filed with the national stage papers is not in compliance with 37 CFR 1.497(a) and (b) as it is only a partial declaration.

The declaration consists of seven pages; *i.e.*, three Page 4 of 4s and one Page 4 of 5. While each inventor need not execute the same oath or declaration, each oath or declaration must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. By providing only a partial declaration, it is not clear what inventive entity was listed on the declaration signed by each co-inventor.

Applicants must submit the complete declaration signed by each co-inventor.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR

11/718,565

1.497(a) and (b) and a surcharge fee is required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 NOV 2008

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Patent Docket Administrator
Lowenstein Sandler, P.C.
65 Livingston Avenue
Roseland, NJ 07068

In re Application of	:	
HOKENEK, et al.	:	DECISION ON PETITION
Serial No.: 11/718,607	:	
PCT No.: PCT/US05/41419	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 15 November 2005	:	
Priority Date: 17 November 2004	:	
Atty Docket No.: 18164-40	:	
For: DATA FILE STORING MULTIPLE	:	
DATA TYPES WITH CONTROLLED	:	
DATA ACCESS	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 25 September 2008 to accept the application without the signatures of joint inventor Erdem Hokenek.

BACKGROUND

On 15 November 2005, applicant filed international application PCT/US05/41419 which claimed priority to a previous application filed 17 November 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 17 May 2007.

On 05 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 25 February 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 25 September 2005, applicant filed the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Erdem Hokenek. The petition was accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1, 3 and 4.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." 409.03(d) also states that:

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

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, and drawings) to Erdem Hokenek. The Declaration of James Dobrow states that a communication was forwarded to Erdem Hokenek's last known address including a copy of the application and declaration and that Erdem Hokenek has yet to respond. However, the declaration fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor at his/her last known address. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. In cases where it is argued that the non-action of an inventor should be considered a refusal to cooperate it is especially important to provide proof of delivery of the papers, as well as, a firsthand statement of the preparation and mailing of the papers. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration. Lastly, while applicant has included a copy of the declaration and specification forwarded to the inventor applicant has not included a copy of the cover letter or indicated when the materials were sent, thus the Office is not in a position to determine if sufficient time has expired to

conclude that the inventor is refusing to execute the document.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

1 4 APR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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PATENT DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND NJ 07068

In re Application of	:	
HOKENEK, et al.	:	
Serial No.: 11/718,607	:	
PCT No.: PCT/US05/41419	:	DECISION ON PETITION
Int. Filing Date: 15 November 2005	:	
Priority Date: 17 November 2004	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 18164-40	:	
For: DATA FILE STORING MULTIPLE DATA	:	
TYPES WITH CONTROLLED DATA ACCESS	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 11 March 2009 to accept the application without the signature of joint inventor Erdem Hokenek.

BACKGROUND

On 04 November 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 March 2009, applicant filed the present renewed petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Erdem Hokenek accompanied by a petition for a three-month extension of time. With the filing of the petition for a three-month extension of time and payment of the appropriate extension of time fee, the present response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 04 November 2008, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1,3 and 4.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

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

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

Applicant has provided evidence that a complete set of application papers was mailed to the non-signing inventor. However, this mailing, as well as, a previous communication sent by Federal Express were returned as undeliverable. The mailing returned by the United States Postal Service indicates that the inventor did not leave a forwarding address. Therefore, applicant was aware that the inventor never received the set of application papers nor request to return the executed declaration. Since the applicant is aware that the last known address is not valid a diligent effort must be made to locate a valid address for the inventor before the application can proceed under 37 CFR 1.47. In the present case, applicant has not provided any evidence (i.e. internet or telephone directory search results) to indicate that a search for a current mailing address for Erdem Hokenek was performed. As such, it is not possible to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Derek A. Putonen
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Office of PCT Legal Administration
Tel: 571-272-3294
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2 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Patent Docket Administrator
Lowenstein Sandler, P.C.
65 Livingston Avenue
Roseland, NJ 07068

In re Application of	:	
HOKENEK, et al.	:	DECISION ON PETITION
Serial No.: 11/718,607	:	
PCT No.: PCT/US05/41419	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 15 November 2005	:	
Priority Date: 17 November 2004	:	
Atty Docket No.: 18164-40	:	
For: DATA FILE STORING MULTIPLE	:	
DATA TYPES WITH CONTROLLED	:	
DATA ACCESS	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 25 September 2008 to accept the application without the signatures of joint inventor Erdem Hokenek.

BACKGROUND

On 14 April 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Erdem Hokenek. Applicant was afforded two months to file any request for reconsideration.

On 15 June 2009, applicant filed the present renewed petition. 14 June 2009 being a Sunday the renewed petition is considered timely filed.

DISCUSSION

As detailed in the decision mailed 14 April 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the filing of the present renewed petition and supporting exhibits, applicant has satisfied the remaining item showing that despite a diligent effort (supported by a firsthand statement and other exhibits) the non-signing inventor cannot be located. It is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 15 November 2005 under 35 U.S.C. 363, and will be given a date of **25 September 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

2 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Erdem Hokenek
3426 Fairview Court
Yorktown Heights, NY 10598

In re Application of
HOKENEK, et al.
Serial No.: 11/718,607
PCT No.: PCT/US05/41419
Int. Filing Date: 15 November 2005
Priority Date: 17 November 2004
Atty Docket No.: 18164-40
For: DATA FILE STORING MULTIPLE DATA TYPES WITH CONTROLLED DATA ACCESS

Dear Mr. Hokenek:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Raymond G. Cappo
Lowenstein Sandler, P.C.
65 Livingston Avenue
Roseland, NJ 07068

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OFFICE OF PETITIONS

FANELLI STRAIN & HAAG PLLC
1455 PENNSYLVANIA AVE., NW
SUITE 400
WASHINGTON, DC 20004

In re Application of	:	
Hans O. Kalkman, et al.	:	
Application No. 11/718,668	:	DECISION ON REQUEST FOR
Filed: May 4, 2007	:	REVOCATION OF POWER
Attorney Docket No. 093286-0145	:	OF ATTORNEY
	:	

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

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

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). The power of attorney filed on December 6, 2009 does not include the right reel and frame number on the statement provided under 37 CFR 3.73(b).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Luz Java	:	
Application No.: 11/718682	:	ON PETITION
Filing or 371(c) Date: 01/22/2009	:	
Attorney Docket Number: 110425.00010	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 15, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed December 15, 2009. Accordingly, the date of abandonment of this application is March 16, 2010.

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

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

This application is being referred to the Office of Data Management for processing of the reply to the Notice to File Corrected Application Papers, filed May 24, 2010.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Niko Schniedeberg, et al.	:	
Application No. 11/718,730	:	DECISION ON PETITION
Filed: May 7, 2007	:	TO WITHDRAW
Attorney Docket No. 093286-0137	:	FROM RECORD
	:	

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 15, 2009.

The request is **DISMISSED** 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 November 20, 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: FANELLI, STRAIN & HAAG, PLLC
1455 PENNSYLVANIA AVENUE
SUITE 400
WASHINGTON, DC 20004

UNITED STATES PATENT AND TRADEMARK OFFICE

2 5 SEP 2008

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of:	:	
CUENI, Hansjorg, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 11/718,744	:	37 CFR 1.47(a)
PCT No.: PCT/CH2005/000653	:	
International Filing Date: 07 November 2005	:	
Priority Date: 08 November 2004	:	
Atty's Docket No.: CU-5696 RJS	:	
For: DEVICE FOR COUPLING AN	:	
ATTACHMENT	:	

This decision is issued in response to applicants' "Response To Notification Of Missing Requirements; Submittal Of Combined Declaration & Power Of Attorney & Petition By Joint Inventor Filing On Behalf Of Other Joint Inventor Who Refuses To Join In Application" filed 10 April 2008, treated herein as a petition under 37 CFR 1.47(a). Applicants have paid the required petition fee.

BACKGROUND

On 07 November 2005, applicants filed international application PCT/CH2005/000653. The international application claimed a priority date of 08 November 2004, and it designated the United States. On 11 May 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 May 2007.

On 07 May 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 11 October 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 10 April 2008, applicants filed a response to the Notification Of Missing Requirements (with required four-month extension fee). The response included payment of the required surcharge, a partially executed declaration and the petition under 37 CFR 1.47(a)

considered herein. The petition seeks acceptance of the application without the signature of co-inventor Hansjorg CUENI, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record in the international application, and the declaration contains an unsigned signature block for the non-signing inventor, Hansjorg CUENI. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

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

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from co-inventor Heiner SCHERRER regarding the efforts made to obtain the non-signing inventor's signature, and a statement from Niklaus Schwarb indicating that, during a telephone conversation with the non-signing inventor, the inventor expressly refused to sign the application documents. However, the materials submitted do not provide the required firsthand statement, with documentary evidence, confirming that a request for signature, accompanied by a copy of the complete application, was forwarded to the non-signing inventor, as required before it can be concluded that the inventor has refused to execute the application. Mr. SCHERRER refers to communications between his patent attorney and the non-signing

inventor, but it is unclear form this statement whether a copy of the complete application was forwarded to the inventor. Moreover, Mr. SCHERRER was not the person who mailed the signature request to the non-signing inventor and he therefore is not the proper person to be providing the statement confirming such mailing. Applicants must provide a firsthand statement, with available documentary support, confirming that a request for signature, accompanied by a copy of the complete application, was delivered to the non-signing inventor prior to his statement of refusal. Until such materials are provided, item (4) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 MAR 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Hansjorg CUENI
Rotzberstr. 4
6362 Stansstad
SWITZERLAND

In re Application of: CUENI, Hansjorg, et al.
U.S. Application No.: 11/718,744
PCT No.: PCT/CH2005/000653
International Filing Date: 07 November 2005
Priority Date: 08 November 2004
Atty's Docket No.: CU-5696 RJS
For: DEVICE FOR COUPLING AN ATTACHMENT

Dear Mr. CUENI:

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

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

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Counsel Of Record:
LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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0 9 MAR 2009

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CHICAGO IL 60604

In re Application of:	:	
CUENI, Hansjorg, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/718,744	:	PETITION UNDER
PCT No.: PCT/CH2005/000653	:	37 CFR 1.47(a)
International Filing Date: 07 November 2005	:	
Priority Date: 08 November 2004	:	
Atty's Docket No.: CU-5696 RJS	:	
For: DEVICE FOR COUPLING AN	:	
ATTACHMENT	:	

This decision is issued in response to applicants' "Renewed Petition To Revive Under 37 CFR 1.47(a)" filed 15 January 2009, treated herein as a renewed petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of co-inventor Hansjorg CUENI. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 25 September 2008. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that the non-signing inventor had refused to execute the application.

On 15 January 2009, applicants filed the renewed petition considered herein (with required two-month extension fee).

DISCUSSION

The renewed petition includes supplemental materials including a firsthand statement, with accompanying exhibits, demonstrating that a signature request, accompanied by a copy of the complete application, was provided to the non-signing inventor. The renewed petition also includes a firsthand statement confirming that, after receiving the signature request and application, the inventor expressly refused to execute the provided declaration. These materials, in combination with those previously submitted, provide an acceptable showing that the non-signing inventor has refused to execute the application. Applicants have therefore now satisfied the final requirement for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) for acceptance of the application without the signature of Hansjorg CUENI is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at the last known addresses set forth in the petition materials, and notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 10 April 2008 (the filing date of the partially executed declaration).

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14 APR 2008

BELL, BOYD & LLOYD, LLP
P.O. BOX 1135
CHICAGO, IL 60690

In re Application of	:	DECISION ON
Keiji Igaki	:	
Application No: 11/718,781	:	
PCT No.: PCT/JP2005/20737	:	
Int. Filing Date: 11 November 2005	:	REQUEST FOR REFUND
Priority Date: 12 November 2004	:	
Attorney's Docket No.: 118074-018	:	
For: STENT FOR VESSEL	:	UNDER 37 CFR 1.26

This Decision is in response to applicants' copy of the "REQUEST FOR REFUND" filed on 11 February 2008, which is being treated as a request under 37 CF 1.26 requesting a refund of the $260.00 fee charged to undersigned's Deposit Account.

BACKGROUND

On 11 November 2005, this international application was filed, claiming an earliest priority date of 12 November 2004.

On 07 May 2007, applicant filed the Transmittal letter for entry into the national stage in the United States, which was accompanied by, the basic national fee, an executed declaration and English translation of the international application.

On 13 July 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that, *inter alia*, the translation of the application into English and Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b) and the processing fees. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond in order to avoid abandonment.

On 02 August 2007, applicant responded to the Notice of Missing Requirements by resubmitting the executed declaration and the English translation.

On 31 August 2007, the USPTO charged $260.00 to Deposit Account No.: 50- 2041, the required fee of $130.00 (the surcharge under 1.492(e) for late filing of the declaration) and $130.00 (furnishing the English translation later than 30 months from the earlier priority date).

On 11 February 2008, applicant filed the current request for refund.

DISCUSSION

Pursuant 37 CFR §1.26(a) (refunds) "[a]ny fee paid in excess of that required will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw an application,... will not entitle a party to demand such a return."

Applicant argues that the Declaration and Power of Attorney and the translation into English of the above mentioned application was timely filed on 07 May 2007.

A review of the file reveals that the Declaration and Power of Attorney and the translation into English of the above mentioned application was timely filed on **07 May 2007**.

Accordingly, $260.00 refund is due to BELL, BOYD & LLOYD, LLP because of the incorrect fees charged to applicant's Deposit Account.

Therefore, applicant is entitled to a refund of the fees paid and the $260.00 will be refunded to applicants' Deposit Account No.: 02-1818.

In addition, the date of receipt of 35 USC 371(c)(1), (c)(2), and (c)(4) requirements and the date that all of the requirements under 35 U.S.C. 371 have been satisfied is **07 May 2007**.

CONCLUSION

For reasons above, the request is **GRANTED**.

The Notification of Acceptances (Form PCT/DO/EO/903) mailed on 31 August 2007 is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 and for issuing a new PCT/EO/DO/ form 903. The 35 USC 371(c)(1), (c)(2), and (c)(4) date and the date of completion of all 35 USC 371 requirements of this application is **07 May 2007.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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3 0 APR 2009

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Diamond Innovations
6325 Huntley Road
Worthington, OH 43229

In re Application of: O'NEILL	:	
U.S. Application No.: 11/718,782	:	
PCT No.: PCT/US05/46671	:	DECISION
Int. Filing Date: 22 December 2005	:	
Priority Date: 23 December 2004	:	
Attorney Docket No.: 128346.33501	:	
For: ELECTROCHEMICAL DISSOLUTION OF CONDUCTIVE COMPOSITES	:	

This decision is issued in response to applicant's "Petition to Withdraw Holding of Abandonment under CFR 1.181(a) or Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 14 October 2008.

BACKGROUND

On 22 December 2005, applicant filed international application PCT/US05/46671 which claimed a priority date of 23 December 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 22 June 2007.

On 07 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; declaration(s) of inventorship; and an application data sheet.

On 22 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) indicating that the sequence listing was not in compliance with 37 CFR 1.821-1.825 in that a copy of the "sequence listing" in computer readable form has not been submitted.

On 01 October 2008, the United States Designated/Elected Office (DO/EO/US) prepared a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 22 January 2008 within the time period set therein.

On 14 October 2008, applicant filed "Petition to Withdraw Holding of Abandonment under CFR 1.181(a) or Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)."

DISCUSSION

Petition to Withdraw Holding of Abandonment under 37 CFR 1.181

The Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 07 May 2007 indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1. 1.821- 825. Applicant states the application does not require a sequence listing. Applicant's assertion is correct that there is no need to file a sequence listing for the present application. As such, the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 22 January 2008 is vacated. Further, the Notification of Abandonment mailed 01 October 2008 is hereby withdrawn.

Defective Declaration

The declarations filed 07 May 2007 is defective pursuant to 37 CFR 1.497(a)(3) which requires that the declaration "identify each inventor and the residence and country of citizenship of each inventor." Section 201.03 of the Manual of Patent Examining Procedure states, in part,

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity . . . For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor . . .

Here, each inventor has executed a separate declaration which only identifies the particular inventor signing that declaration, which is improper. Thus, applicants are required to file a newly executed declaration which complies with 37 CFR 1.497(a) and (b).

CONCLUSION

Applicant's request to withdraw the holding of abandonment under 37 CFR 1.181is **GRANTED**.

The Notification of Abandonment mailed 01 October 2008 is hereby **withdrawn**.

Application No.: 11/718,782

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

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DLA PIPER, LLP
ATT: PATENT GROUP
500 8TH STREET, NW
WASHINGTON, DC 20004-2134

COPY MAILED
DEC 05 2008

Applicant: Winkeles, et al.
Appl. No.: 11/718,786
International Filing Date: November 8, 2005
Title: TWEAK AS A THERAPEUTIC TARGET FOR TREATING CENTRAL NERVOUS SYSTEM DISEASES ASSOCIATED WITH CEREBRAL EDEMA AND CELL DEATH
Attorney Docket No.: 9528-013NATL
Pub. No.: 2007/0280940 A1
Pub. Date: December 6, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on January 11, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the benefit claim to provisional application 60/626,054 is not printed on the front page.

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

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

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

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

It is noted that that the ADS submitted on filing the application states that the PCT application is a continuation of the provisional application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

15 APR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Church Street Station
New York, NY 10008-0770

In re Application of
BROOKS *et al*
U.S. Application No.: 11/718,795
PCT No.: PCT/IL2007/000398
Int. Filing Date: 28 March 2007
Priority Date: 28 March 2006
Attorney's Docket No.: 06727/0207034-US0
For: FLOATING GASTROINTESTINAL ANCHOR

DECISION

This is a decision on the request to add an inventor in the above-captioned application filed 17 February 2009.

BACKGROUND

On 17 February 2009, applicants submitted the subject petition which was accompanied by, *inter alia*, a declaration executed by two joint inventors, the $130.00 petition fee, a statement by the inventor being added, and the consent of the assignee.

DISCUSSION

Applicants request to add Mr. Eran Hirszowicz as an inventor in the above-captioned application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants filed a statement by Mr. Eran Hirszowicz who requests to be added as an inventor in the above-captioned application. The statement declares that the error "occurred without any deceptive intention on my part."

The processing fee of $130.00 has been paid.

Applicants also submitted the written consent of the assignee, Spatz-Fgia, Inc. This document was signed by Mr. Jeffrey Brooks as CEO who asserts that he has the authority to sign on behalf of the assignee. This statement is sufficient. *See* § 324 MPEP. An assignment to Spatz-Fgia, Inc. has been recorded in the subject application.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) to add Mr. Eran Hirszowicz as a joint inventor in the above-captioned application is **GRANTED**.

The declaration filed with the subject petition is in compliance with 37 CFR 1.497(a) and (b). Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 March 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 17 February 2009.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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1 2 JAN 2010

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In re Application of
BROOKS *et al*
U.S. Application No.: 11/718,795
PCT No.: PCT/IL2007/000398
Int. Filing Date: 28 March 2007
Priority Date: 28 March 2006
Attorney's Docket No.: 06727/0207034-US0
For: FLOATING GASTROINTESTINAL ANCHOR

DECISION

This decision is in response to applicants' request for a corrected filing receipt filed on 02 September 2009, 11 November 2009 and 24 November 2009 which is treated as a petition under 37 CFR 1.181 and hereby **DISMISSED** as follows:

Applicants request that the "371(c) Date" on the filing receipt and the "Date of Receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date of Completion of all 35 U.S.C. 371 Requirements" on the Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) mailed 05 August 2009 be amended to 09 July 2007, which is the date the 371 requirements were met.

The declaration filed 09 July 2007 was not in compliance with 37 CFR 1.497(a)(3) as it did not identify the proper inventive entity. Eran Hirszowicz was not listed on the declaration as an inventor. A declaration indicating the proper inventive entity was not filed until 17 February 2009 along with a petition to add Mr. Hirszowicz as an inventor.

Therefore, the 35 U.S.C. requirements were not completed until 17 February 2009.

The application will be forwarded to Technology Center 3773 for further processing.

James Thomson

James Thomson
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2 3 JUN 2008

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
FURNESS et al.	:	DECISION
Application No.: 11/718,869	:	
PCT No.: PCT/AU2005/001698	:	
Int. Filing Date: 08 November 2005	:	
Priority Date: 08 November 2004	:	
Attorney's Docket No.: 011839-0001-999	:	
For: AN IMPLANTABLE ELECTRODE	:	
ARRANGEMENT	:	

This decision is in response to applicants' submission filed 20 February 2008.

BACKGROUND

On 08 November 2005, applicants filed international application PCT/AU2005/001698 which designated the U.S. and claimed a priority date of 08 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 May 2007.

On 08 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 27 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h).

On 26 October 2007, applicants filed a submission which was accompanied by, *inter alia*, a declaration of inventors and the surcharge under 37 CFR 1.492(h).

On 27 December 2007, a Notification was mailed indicating that the declaration of inventors filed 26 October 2007 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names in the second-named inventor between the published international application (Zoran MILIJESIVIC) and the declaration of the inventor (Zoran MILIJASEVIC).

On 20 February 2008, applicants filed the instant submission including an explanation of the difference in the spelling of the name of the second-named inventor.

DISCUSSION

The submission filed 20 February 2008 concerning the spelling of the name of the second-named inventor explains that the spelling of the inventor's name in the declaration is accurate and that the spelling in the international application is inaccurate. This explanation of the difference in spelling between the international application and the declaration of inventors is accepted and noted for the record.

Accordingly, the declaration filed 26 October 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

/Daniel Stemmer/

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2 9 JUL 2008

Lee, Hong, Degerman, Kang & Schmadeka
660 S. Figueroa Street
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Los Angeles, CA 90017

In re Application of	:	
LEE, et al.	:	
U.S. Application No.: 11/718,887	:	DECISION ON PETITION
PCT No.: PCT/KR05/03792	:	
Int. Filing Date: 09 November 2005	:	UNDER 37 CFR 1.497(d)
Priority Date: 09 November 2004	:	
Attorney Docket No.: 2101-3331	:	
For: METHOD OF TRANSMITTING/RECEIVING CONTROL INFORMATION OF DATA CHANNEL FOR ENHANCED UPLINK DATA TRANSMISSION	:	

This decision is in response to applicant's "Request Under 37 CFR § 1.48(a) For Correction of Inventorship" filed 22 May 2008 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.497(d). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 09 November 2005, applicant filed international application PCT/KR05/03792 which claimed priority to an earlier application filed 09 November 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2007.

On 08 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee.

On 25 February 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 22 May 2008, applicant responded with the present petition accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) the fee set forth in 37 CFR 1.17(h); and

(3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and

(4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied all four items and it is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 09 November 2005 and will be given a date of **22 May 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 0 6 2010

St. Onge, Steward, Johnston & Reens, LLC
986 Bedford Street
Stamford, CT 06905-5619

In re application of Jonas Christensen Application No. 11/718,961 Filed: May 9, 2007 For: TOWER PART FOR A WIND TURBINE, AN APERTURE COVER SYSTEM, A METHOD FOR MANUFACTURING A TOWER PART AND USES HEREOF	**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 28, 2009, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the IPAU 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 IPAU examiner in the IPAU Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the IPAU application. Specifically, it looks like claim 1 adds that "...wherein said at least one wall segment are formed as less than a full 360 degree ring". This differs from claim 1 of the IPAU application. Claim 24 includes "...by being magnetic and/or adhesive", which does not correspond to claim 24 of the IPAU application. Claims 8-9 and 15-17 do not correspond with claims 8-9 and 15-17 of the IPAU application. It is recognized that these claims were amended to avoid 35 USC 112 problems, however, while changes to correct 112 issues are generally acceptable, any such changes that cause the claims to have a scope materially different from that of the claims of the foreign application are not. Finally, claims 25-35 of the US application actually correspond to claims 26-36 of the IPAU application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 1/6/10

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FEB 0 5 2010

St. Onge, Steward, Johnston & Reens, LLC
986 Bedford Street
Stamford, CT 06905-5619

In re application of Jonas Christensen Application No. 11/718,961 Filed: May 9, 2007 For: TOWER PART FOR A WIND TURBINE, AN APERTURE COVER SYSTEM, A METHOD FOR MANUFACTURING A TOWER PART AND USES HEREOF	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 27, 2010, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the IPAU 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 IPAU examiner in the IPAU Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of renewed petition, which includes a preliminary amendment that amended the claims to precisely correspond to the above-noted allowed IPAU claims, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 2/5/10

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.
11/718,964	12/21/2007	Mitsunari Hoshi	112857-929	2694

29175 7590 12/22/2008
BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER
MCMILLAN, JESSICA L

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
12/22/2008	PAPER

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

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

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United States Patent and Trademark Office
P.O. Box 1450
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Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135
In re Application of
Mitsunari Hoshi et al
Application No.: 11/718,964
Filed: 21 December 2007
Attorney Docket No.: 112857-929
For: LIGHT-TRANSMITTING FILM, METHOD OF FORMING LIGHT-TRANSMITTING FILM, AND LIQUID CRYSTAL DISPLAY

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 21 November 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
   (a) a Paris Convention application which either
      (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the 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).

This request to participate in the PPH program and petition is assessed as follows:

Conditions 1-7 are considered to have been met. Therefore, the request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status. **(It is noted, however, that applicants have not yet filed copies of the JPO priority documents in the instant application and as such, will not be afforded priority in accordance with 35 USC 119(a-d))**

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272 2044.

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.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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JAMES REMENICK
1300 EYE STEET, NW 1000 WEST TOWER
WASHINGTON DC 20005

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JUL 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Ling et al.	:	DECISION ON PETITION
Application No. 11/718,976	:	TO WITHDRAW
Filed: May 9, 2007	:	FROM RECORD
Attorney Docket No. 120444-167992	:	

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 5, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that James Remenick does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

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.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland OR 97204

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

MAILED

FEB 13 2009

OFFICE OF PETITIONS

Applicant: Schaub
Appl. No.: 11/718,995
International Filing Date: November 10, 2005
Title: NOVEL COMPOSITION FOR EASING HUMAN CHILDBIRTH
Attorney Docket No.: 2923-822
Pub. No.: US 2008/01302214 A1
Pub. Date: May 1, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 21, 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, wherein the "cross reference to related application" section in the specification, submitted in the preliminary amendment of May 10, 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 cross reference to related application is not an Office error. The patent application publication does not include a mistake regarding the failure to include the cross reference to related application, filed in the preliminary amendment.

According to 37 CFR 1.215(a), which says the following, in part:

[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).

> (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.

Applicant did not file a substitute specification including the amendment. Applicant did not file a copy of the application in compliance with the Office electronic filing systems requirements.

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 May 21, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and 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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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

In re Application of	:	
COMBA, Peter et al.	:	
Application No.: 11/719,000	:	DECISION ON
PCT No.: PCT/EP2005/013171	:	
Int. Filing Date: 08 December 2005	:	PETITION
Priority Date: 24 December 2004	:	
Attorney Docket No.: MULLP0109US	:	UNDER 37 CFR 1.42
For: RADIOACTIVE METAL COMPLEXES ...	:	
DIAGNOSIS AND THERAPY	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Hartmut Spies is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 December 2005, applicants filed international application PCT/EP2005/013171, which claimed a priority date of 24 December 2004. A copy of the international application was transmitted to the Office by the International Bureau on 13 July 2006. The deadline for entry into the national stage in the United States was 24 June 2007.

On 10 May 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration lists the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497.

However, the declaration is defective. First, it is composed of one page 1, two pages 2 and 3 and one supplemental sheet. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy of the oath or declaration as executed by the inventors must be submitted. See MPEP 605.04(a) (stating "While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must

contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity.") It is not acceptable for anyone to alter the declaration after execution. Additionally, the declaration has several extraneous markings. The declaration has numerous "x" marks and a date has been written for Hartmut Spies and "deceased". However, the date does not appear to have been entered by the legal representative, as she executed at a later point. Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497(a)-(b) and 1.42 and the fee for filing the search fee, examination fee or oath or declaration after 30 months from the priority date, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

In re Application of	:	
COMBA, Peter et al.	:	
Application No.: 11/719,000	:	DECISION ON
PCT No.: PCT/EP2005/013171	:	
Int. Filing Date: 08 December 2005	:	PETITION
Priority Date: 24 December 2004	:	
Attorney Docket No.: MULLP0109US	:	UNDER 37 CFR 1.42
For: RADIOACTIVE METAL COMPLEXES ...	:	
DIAGNOSIS AND THERAPY	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Hartmut Spies is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 20 November 2007, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicant's request for status.

On 29 November 2007, applicants filed this renewed request for status.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration lists the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497.

Applicants have supplied a complete declaration of the inventors and the legal representative.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has a date of 29 November 2007 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for continued processing.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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30 OCT 2007

Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770

In re Application of YAMADA et al. Application No.: 11/719,002 PCT No.: PCT/JP05/20653 Int. Filing Date: 10 November 2005 Priority Date: 10 November 2004 Attorney Docket No.: 09867/0207037-USO For: HEAT-SHRINKABLE LAMINATED FILM, MOLDED PRODUCT AND HEAT-SHRINKABLE LABEL EMPLOYING THE FILM, AND CONTAINER	:	DECISION ON REQUEST

This decision is in response to applicants' "Petition under 37 CFR 1.497(d)" filed 18 October 2007 which is being treated as a Petition under 37 CFR 1.181. Applicants are notifying the Office that the name of the fifth inventor is JUN Takagi as indicated on the declaration rather than JYUN Takagi as indicated on the published international application and Application Data Sheet. No petition fee is due.

Petitioner states that the discrepancy between the name of the fifth inventor indicated in the international application during the international phase and the name of the fifth inventor as it appears in the declaration is the result of a spelling (typographical or transliteration) error. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 (or 37 CFR 1.497(d)) is not required. Accordingly, applicants' explanation of the difference in the spelling of the fifth inventor's name is accepted and noted for the record.

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

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

2 0 MAY 2009

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

In re Application of	:	DECISION
STEINDLER et al.	:	
Application No.: 11/719,039	:	
PCT No.: PCT/US2005/041978	:	
Int. Filing Date: 21 November 2005	:	
Priority Date: 19 November 2004	:	
Attorney Docket No.: 5853-567-1	:	
For: INDEFINITE CULTURE OF HUMAN ADULT GLIA WITHOUT IMMORTALIZATION AND THERAPEUTIC USES THEREOF	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 11 June 2008, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 29 May 2008, a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that a translation of the application into English was required and that a Transmittal Letter with the correct PCT Number was also required. (The NOTIFICATION indicated that two PCT numbers had been submitted: the Transmittal Letter indicated PCT/US2005/041978 while the Electronic Acknowledgment Receipt indicated PCT/US06/41978.)

On 11 June 2008, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The petition under 37 CFR 1.181 in essence requests that the NOTIFICATION OF MISSING REQUIREMENTS mailed 28 May 2008 be vacated. Applicants urge that a translation of the application into English is not required since the international application published in English and that a new Transmittal Letter is not required since the Transmittal Letter filed 10 May 2007 lists the correct international application number.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 28 May 2008 was in error and is hereby VACATED. No English translation of the application is required. Additionally, the discrepancy in international application numbers noted in the NOTIFICATION must be corrected by a petition under 37 CFR 1.182, as set forth below, rather than a new Transmittal Letter.

On 10 May 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter. The international application number keyed into EFS-Web was PCT/US06/41978. However, the Transmittal Letter indicates the international application number as PCT/US2005/041978.

A petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the discrepancy in PCT numbers is required. (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent).

CONCLUSION

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

The NOTIFICATION OF MISSING REQUIREMENTS mailed 29 May 2008 is VACATED.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely file a proper response will result in abandonment of the application.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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22 DEC 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

In re Application of	:	DECISION
STEINDLER et al.	:	
Application No.: 11/719,039	:	
PCT No.: PCT/US2005/041978	:	
Int. Filing Date: 21 November 2005	:	
Priority Date: 19 November 2004	:	
Attorney Docket No.: 5853-567-1	:	
For: INDEFINITE CULTURE OF HUMAN	:	
ADULT GLIA WITHOUT IMMORTALIZATION	:	
AND THERAPEUTIC USES THEREOF	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) on 27 October 2009.

BACKGROUND

On 29 May 2008, a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that a translation of the application into English was required and that a Transmittal Letter with the correct PCT Number was also required. (The NOTIFICATION indicated that two PCT numbers had been submitted: the Transmittal Letter indicated PCT/US2005/041978 while the Electronic Acknowledgment Receipt indicated PCT/US06/41978.)

On 11 June 2008, applicants filed a submission which was properly treated as a petition under 37 CFR 1.181 in essence requesting that the NOTIFICATION OF MISSING REQUIREMENTS mailed 29 May 2008 be vacated.

On 20 May 2009, a decision was mailed granting applicants' petition under 37 CFR 1.181. However, the decision also noted that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the discrepancy in PCT numbers (between the international application number keyed into EFS-Web and the international application number listed on the Transmittal Letter) was required.

On 27 October 2009, applicants filed the instant petition under 37 CFR 1.182 which included the petition fee under 37 CFR 1.17(f), a petition/fee for a four-month extension of time, and a statement setting forth the specific circumstances as to how and when the error was made and setting forth that the mistake was an inadvertent error without deceptive intent.

DISCUSSION

A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/US2005/041978**.

CONCLUSION

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

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

/Daniel Stemmer/

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2 5 OCT 2007

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1000 TOWN CENTER
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SOUTHFIELD MI 48075

In re Application of:
GLASHOW, Rebecca, Lee, et al.
U.S. Application No.: 11/719,044
PCT No.: PCT/US2005/020214
International Filing Date: 08 June 2005
Priority Date: 08 June 2004
Atty Docket No.: 2004006287
For: METHOD AND SYSTEM OF VIDEO ON DEMAND DATING

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 10 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

Applicant has submitted the basic national fee, Deposit Account No. 02-3978 will be charged the required petition fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

It is noted that, on 28 June 2007, applicants filed an executed declaration in compliance with 37 CFR 1.497 and the $130 surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 June 2007.

10/25/2007 SBASHEIR 00000002 023978 11719044
Sale Ref: 00000002 DA#: 023978 11719044
01 FC:1453 1500.00 DA

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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2 4 JAN 2008

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	:	
CLEARY, et al.	:	
Application No.: 11/719,047	:	
PCT No.: PCT/US05/32567	:	DECISION ON PETITION
Int. Filing Date: 13 September 2005	:	
Priority Date: 13 September 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 2004008499	:	
For: METHOD AND SYSTEM OF MANAGING	:	
SUBSCRIBER ACCESS TO SERVICES	:	
ASSOCIATED WITH SERVICE PROVIDER	:	

The petition to revive under 37 CFR 1.137(b) filed 10 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied with the filing of an executed declaration on 22 May 2007.

The application has an international filing date of 13 September 2005 under 35 U.S.C. 363 and will be given a date of **22 May 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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0 9 NOV 2007

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OSTROLENK, FABER, GERB &
SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8402

In re Application of	:	DECISION ON
LINDBERG et al	:	
Application No.: 11/719,061	:	
PCT No.: PCT/SE2005/001657	:	
Int. Filing Date: 4 November 2005	:	PETITION UNDER
Priority Date: 4 November 2004	:	
Attorney's Docket No.: P/2432-91 V3839	:	
For: METHOD AND MEANS FOR...	:	
IN THE ANKLE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 10 May 2007.

BACKGROUND

On 4 November 2005, this international application was filed, claiming an earliest priority date of 4 November 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 4 May 2007. This international application became abandoned with respect to the United States at midnight on 4 May 2007 for failure to pay the required basic national fee.

On 10 May 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
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UNITED STATES PATENT AND TRADEMARK OFFICE

19 AUG 2008

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06449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K Street, N.W.
Suite 800
Washington, DC 20005

In re Application of :
NJOLSTAD *et al* :
U.S. Application No.: 11/719,065 :
PCT No.: PCT/NO2005/000416 : **DECISION**
Int. Filing Date: 02 November 2005 :
Priority Date: 12 November 2004 :
Attorney Docket No.: 2036-0237 :
For: VISUAL SYSTEM :

This decision is in response to the papers filed 07 February 2008 which are treated under 37 CFR 1.182.

BACKGROUND

On 29 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond.

On 07 February 2008, applicants filed an executed declaration which was accompanied by, *inter alia*, the subject petition and a $400.00 petition fee and $130.00 surcharge fee to Deposit Account No. 02-2135.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and 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.

Petitioners state that the inventor has changed her last name from FRETHEIM to FRETEIM THOMASSEN. Petitioners included an affidavit signed by the inventor listing both names and setting forth that the name change was the result of marriage. This explanation is sufficient. The $400.00 petition fee has been charged as authorized.

11/719,065

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted with the petition on 07 February 2008 is in compliance with 37 CFR 1.497(a) and (b). The $130.00 surcharge fee was paid.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 02 November 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 07 February 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

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NEW YORK NY 10008-0770

MAILED

MAR 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Ducharme, Robert	:	
Application No. 11/719,080	:	ON PETITION
Filed: May 10, 2007	:	
Attorney Docket No. 06670/0207024-US0	:	

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

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

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

Accordingly, all future fees paid in this patent must be paid at the large entity rate.

This matter is being referred to Technology Center AU 3635 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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13 JUL 2007

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of HAMMOCK, Bruce Application No.: 11/719,092 PCT No.: PCT/US05/08765 Int. Filing Date: 16 March 2005 Priority Date: 16 March 2004 Attorney Docket No.: 02307O-142010US For: REDUCING NEPHROPATHY WITH INHIBITORS OF SOLUBLE EPOXIDE HYDROLASE AND EPOXYEICOSANOIDS	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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16 MAY 2007

WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

In re Application of WALKER et al	:	
U.S. Application No.: 11/719,108	:	
PCT Application No.: PCT/US2004/043460	:	
Int. Filing Date: 23 December 2004	:	DECISION
Priority Date Claimed: 24 December 2003	:	
Attorney Docket No.: 02-092	:	
For: METHOD AND APPARATUS FOR AUTOMATICALLY CAPTURING AND MANAGING IMAGES	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 11 May 2007.

BACKGROUND

On 23 December 2004, applicant filed international application PCT/US2004/043460, which claimed priority of an earlier United States application filed 24 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 24 June 2006.

International application PCT/US2004/043460 became abandoned as to the United States for failure to timely pay the basic national fee.

On 11 May 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 23 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 May 2007.

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

Bryan Lin
Bryan Lin
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Telephone: 571-272-3303
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10 MAR 2009

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

In re Application of NEWKOME et al. Application No.: 11/719,113 PCT No.: PCT/IB05/53729 Int. Filing: 11 November 2005 Priority Date: 11 November 2004 Attorney Docket No.:200591.00024 For: CONVENIENT SYNTHESIS OF 1–>3 C-BRANCHED DENDRONS	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

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2 0 MAR 2008

WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD CT 06905

In re Application of	:	
TEDESCO, et al.	:	
Application No.: 11/719,119	:	
PCT No.: PCT/US05/11725	:	DECISION ON PETITION
Int. Filing Date: 07 April 2005	:	
Priority Date: 07 April 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 04-007	:	
For: METHOD AND APPARATUS FOR FACILITATING USAGE OF A SUPPLEMENTAL TICKET AT A GAMING DEVICE	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed 11 May 2007 in the above-captioned application. The petition is hereby **DISMISSED** as follows:

The deadline for entering the United States and providing payment of the full, U.S. Basic National fee expired on 07 October 2006.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). It is noted that item (4) does not apply to the present application.

An examination of the papers filed 11 May 2007 finds that with respect to item (1), applicant has provided payment of the full U.S. Basic National Fee thereby satisfying item 1.

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

A review of the filed papers does not find a petition contained therein. While applicant has provided payment of the fees described above, a petition containing a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" does not appear to have been filed. As such, it is not possible to grant applicant's petition under 37 CFR 1.137(b) at this time. The application remains abandoned as to the United States.

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

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

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16 JUN 2008

Walker Digital Management, LLC
2 High Ridge Park
Stamford, CT 06905

In re Application of	:	
TEDESCO, et al.	:	DECISION ON PETITION
Application No.: 11/719,119	:	
PCT No.: PCT/US05/11725	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 07 April 2005	:	
Priority Date: 07 April 2004	:	
Atty. Docket No.: 04-007	:	
For: METHOD AND APPARATUS FOR FACILITATING USAGE OF A SUPPLEMENTAL TICKET AT A GAMING DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 22 May 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant provided payment of the full, U.S. Basic National Fee on 11 May 2007 and has now provided a proper statement as to the unintentional nature of the abandonment of the application. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for further processing.

Derek A. Putonen
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Office of PCT Legal Administration
Tel: (571) 272-3294
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DATE 7/26/07 APPLICATION NUMBER 11/719,140

DOC CODE pet. Dec. OIPE DOC DATE 7-26-07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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26 JUL 2007

YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

In re Application of	:	
TOHIDI, Bahman et al.	:	
Application No.: 11/719,140	:	
Filing Date: 11 May 2007	:	DECISION
Attorney Docket No.: CAF-220-A	:	
For: METHODS FOR MONITORING ...	:	
FOR HYDRATE FORMATION	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 11 May 2007, applicants filed *inter alia*, fees, a utility patent application transmittal letter, fees and an application data sheet.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

The USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111 . . .

If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

Here, the reference to 37 CFR 1.53(b) at the top of the transmittal letter filed on 11 May 2007, is an instruction to process the application pursuant to 35 U.S.C. 111(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion

as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

03 APR 2009

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65074
MCNEES WALLACE & NURICK, LLC
100 Pine St.
Harrisburg, PA 17108-1166

In re Application of	:	
BLACKWELL, Gordon	:	
U.S. Application No.: 11/719,150	:	
PCT No.: PCT/EP2005/011584	:	
Int. Filing Date: 28 October 2005	:	**DECISION**
Priority Date: 12 November 2004	:	
Docket No.: 08563-0219-U1	:	
For: DENTAL GLASS COMPOSITION	:	

This decision is in response to applicant's "Petition Under 37 C.F.R. § 1.182 to Convert an Application Submitted Under 35 U.S.C. §371 to an Application Submitted Under 35 U.S.C. §111." filed 09 February 2009. Applicant also provided a petition under 37 CFR 1.137(b), in the alternative.

BACKGROUND

On 28 October 2005, applicant filed international application PCT/EP2005/011584 claiming priority to 12 November 2004. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 May 2007.

On 11 May 2007, applicant filed papers to enter the national stage of PCT/EP2005/011584 using the USPTO-EFS-Web system. No fees were included with this submission.

On 02 January 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to provide the full U.S. Basic National Fee by thirty months pursuant to 37 CFR 1.495(b)(2).

On 09 February 2009, applicant filed a petition to convert under 37 CFR 1.182 and in the alternative, a petition to revive under 37 CFR 1.137(b).

DISCUSSION

Petition to Convert

Applicant requests the above-captioned application be converted to a filing under 35 U.S.C. 111(a). This is treated as a petition under 37 CFR 1.182. The $400.00 fee

has been paid.

A review of the application shows that the above-captioned application was properly treated as a filing under 35 U.S.C. 371 by the Office. Applicant requested that the filing was a "U.S. National Stage under 35 USC 371" using the USPTO EFS-Web system on 11 May 2007. Moreover, the ADS notes that the application is a U.S. national stage of PCT/EP05/11584. There was no conflicting information in any of the documents submitted.

Applicant argues that the papers filed 11 May 2007 would qualify as an application under 35 U.S.C. 111(a). While we concur that the papers submitted would qualify as an application under 35 U.S.C. 111(a), that is not relevant to the requirements for a grantable petition to convert.

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will **only** grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) **where no other remedy is available**. In the present petition, applicants have **not** made such a showing. The filing of a petition to revive under 37 CFR 1.137(b) is a sufficient remedy.

Applicant also argues that the USPTO should have treated the subject application as a filing under 35 U.S.C. 111(a), once the determination is made that applicant failed to properly enter as a national stage application under 35 U.S.C. 371. This argument is dismissed. As indicated above, the Office properly treated the papers filed 11 May 2007 as a national stage application, as instructed by applicant.

Accordingly, applicants' petition to convert the above-captioned national stage filing to a filing under 35 U.S.C. 111(a) is **DISMISSED** without prejudice.

Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed in the alternative is hereby **GRANTED** as follows:

The Basic National fee and petition fee have been charged to Deposit Account No. 50-1059 as authorized. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

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

for continued processing.

James Thomson
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Office of PCT Legal Administration

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DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS MI 48304-2970

MAILED

MAY 04 2010

OFFICE OF PETITIONS

In re Application of
Srinivasan Rajagopalan, et al.
Application No. 11/719,158
Filed: May 11, 2007
Attorney Docket No. 35548-41

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 1, 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 at midnight on April 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00; 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 documents must be submitted. While a courtesy copy of this decision is being mailed, to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3213.

This application is being referred to Technology Center AU 3743 for appropriate action by the Examiner in the normal course of business on the reply received January 14, 2010.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Richard D. Jordan
Dickinson Wright PLLC
1875 Eye Street, NW
Washington, DC 20006

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2 0 OCT 2009

NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER, NY 14604

In re Application of NEDERGAARD et al	:	
U.S. Application No.: 11/719,238	:	
PCT Application No.: PCT/US2005/041058	:	
Int. Filing Date: 14 November 2005	:	DECISION
Priority Date Claimed: 15 November 2004	:	
Attorney Docket No.: 176/61902	:	
For: TREATMENT AND PREVENTION OF EPILEPSY	:	

This is in response to applicant's petition under 37 CFR 1.497(d) filed 22 June 2009.

BACKGROUND

On 14 November 2005, applicant filed international application PCT/US2005/041058, which claimed priority of an earlier United States application filed 15 November 2004. The thirty-month period for paying the basic national fee in the United States expired on 15 May 2007.

On 14 May 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 August 2008, applicant filed an executed declaration which named an inventive entity different from that indicated in the international application.

On 10 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 June 2009, applicant filed the present petition under 37 CFR 1.497(d).

On 16 October 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

DISCUSSION

The petition states that Takano Takahiro should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has been provided. The assignee has established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 16 October 2009 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 14 November 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 August 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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0 4 FEB 2008

Bruce H. Bernstein
Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

In re Application of KWON, Do-Hong Application No.: 11/719,272 PCT No.: PCT/KR05/01029 Int. Filing Date: 08 April 2005 Priority Date: 11 October 2004 Attorney Docket No.: P32126 For: METHOD FOR RECORDING MULTIPLE PROGRAM IN DIGITAL BROADCASTING RECEIVER	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 14 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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0 4 DEC 2008

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EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of: ALVES ET AL.	:	
U.S. Application No.: 11/719,279	:	
PCT Application No.: PCT/EP2005/012211	:	
Int. Filing Date: 10 November 2005	:	DECISION
Priority Date: 17 November 2004	:	
Atty Docket No.: 1418-168	:	
For: Trolley Which Can Be Used, For Example,	:	
To Transport Goods, Comprising Support	:	
Means on Which Two Baskets Can Be Stacked	:	

This is in response to applicants' Petition under 37 CFR 1.47(a), requesting acceptance of the declaration without the signature of one of the co-inventors, filed 29 May 2008 and applicants' supplemental Petition under 37 CFR 1.47(a), requesting consideration of the supplemental declaration including the signature of a co-inventor, filed 01 July 2008.

BACKGROUND

On 10 November 2005, applicant filed international application PCT/EP2005/012211, which claimed priority of an earlier French application filed 17 November 2004. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 17 May 2007.

On 14 May 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) without an executed declaration. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 May 2008, Applicant sent in a combined declaration and power of attorney, with the declaration executed by inventors ALVES and ALVES PEREIRA and missing the signature of co-inventor CUNHA.

On 01 July 2008, Applicant sent in a supplemental petition with a declaration executed by inventor CUNHA requesting that the petition of 29 May 2008 be rendered moot.

DISCUSSION

The declarations of 29 May 2008 and 01 July 2008, are in compliance with 37 CFR 1.497(a)-(b). In that a petition under 37 CFR 1.47(a) is only applicable where a joint inventor refuses to join in an application or cannot be found or reached after diligent effort, and all joint inventors have executed the declaration, the petition is dismissed as moot

CONCLUSION

For the reasons above, the petition of 29 May 2008 is **DISMISSED AS MOOT**.

The application has an International Filing Date under 35 U.S.C. 363 of 10 November 2005, and a date under 35 U.S.C. 371(c)(1), and (c)(2), and (c)(4) of 01 July 2008.

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

Boris Milef
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/Katherine Moran/
PCT Legal, Detailee
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In re Application of	:	
KOHNO, et al.	:	
Application No.: 11/719,337	:	
PCT No.: PCT/JP05/20829	:	DECISION ON PAPERS
Int. Filing Date: 14 November 2005	:	
Priority Date: 16 November 2004	:	UNDER 37 CFR 1.42
Attorney Docket No.: 21075/0206492-US0	:	
For: DIE CUSHION DEVICE OF PRESSING	:	
MACHINE	:	

This decision is in response to applicant's declaration filed 15 May 2007. The filed combined declaration and power of attorney is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 14 November 2005, applicant filed international application PCT/JP05/20829, which claimed priority to an earlier application filed 16 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 May 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 May 2007.

On 15 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application, an executed combined declaration and power of attorney, an Information Disclosure Statement and a preliminary amendment.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 15 May 2007 is executed by Junko Haseba as legal representative of the estate of deceased co-inventor, Katsunori Haseba. The declaration provides

the citizenship, residence and mailing address for both the deceased co-inventor and the signing legal representative per 37 CFR 1.497(a)(3). As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

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

This application has an international application filing date of 14 November 2005 and will be given a date of **15 May 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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10 AUG 2009

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ZAFMAN LLP
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In re Application of	:	
CONNIER, Jean-Louis, et al.	:	
Application No.: 11/719,370	:	DECISION
PCT No.: PCT/GB2005/004384	:	
Int. Filing Date: 15 November 2005	:	ON PETITION UNDER
Priority Date: 15 November 2004	:	
Docket No.: 007765.P002	:	37 CFR 1.47(a)
For: APPARATUS FOR STORING AND	:	
DISPENSING PACKAGES	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 08 June 2009.

BACKGROUND

On 08 December 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for filing the search fee, examination fee or oath or declaration after 30 months were required.

On 08 June 2009, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1), (3) and (4) have been met. The $200 petition fee has been paid. Applicants state the last known address of Jean-Louis Connier as 58 Rue Carnot, F-72200 La Fleche, France. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants must establish that the inventor has refused to sign the oath or declaration after presentation with a complete copy of the application papers. As part of that proof applicants supplied a return receipt in French. Non-translated non-English

language material is not considered by the Office. A translation of the receipt should be furnished.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

/Erin P. Thomson/

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In re Application of	:	
CONNIER, Jean-Louis, et al.	:	
Application No.: 11/719,370	:	DECISION
PCT No.: PCT/GB2005/004384	:	
Int. Filing Date: 15 November 2005	:	ON PETITION UNDER
Priority Date: 15 November 2004	:	
Docket No.: 007765.P002	:	37 CFR 1.47(a)
For: APPARATUS FOR STORING AND	:	
DISPENSING PACKAGES	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 29 September 2009.

BACKGROUND

On 10 August 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 29 September 2009, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1), (3) and (4) were previously satisfied. The $200 petition fee has been paid. Applicants state the last known address of Jean-Louis Connier as 58 Rue Carnot, F-72200 La Fleche, France. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **08 June 2009**.

/Erin P. Thomson/

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27 NOV 2009

Jean-Louis Connier
58 rue Carnot
72200 La Fleche
France

In re Application of
CONNIER, Jean-Louis, et al.
Application No.: 11/719,370
PCT No.: PCT/GB2005/004384
Int. Filing Date: 15 November 2005
Priority Date: 15 November 2004
Docket No.: 007765.P002
For: APPARATUS FOR STORING AND DISPENSING PACKAGES

Dear Mr. Connier:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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1279 OAKMEAD PARKWAY
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INTERNATIONAL KNOWLEDGE ASSET OFFICE
20 DANBURY LN.
IRVINE CA 92618

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of Suzuki et al. Application No. 11/719,392 Filed: May 15, 2007 Attorney Docket No. IK2007-JMSF-002US-001	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 19, 2009.

The request is **NOT APPROVED**.

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

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

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. Mr. Ken Muncy 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.

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 Keiji Masaki on behalf of all attorneys of record associated with Customer Number 65105. However, since the practitioners were not appointed by a

Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

Currently, there is an outstanding Office action mailed May 28, 2009 that requires a reply.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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SAN JOSE CA 95131

In re Application of
Bouttement et al.
Application No.: 11/719,396
PCT No.: PCT/IB2005/053769
Int. Filing Date: 15 November 2005
Priority Date: 15 November 2004
Attorney Docket No.: US04 0461 US2
For: Variable Inductance Circuitry For Frequency Control Of A Voltage Controlled Oscillator

DECISION

This is in response to the request under 37 CFR 1.48 filed on 11 June 2009, which is being treated under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 15 November 2005, claimed an earlier priority date of 15 November 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 18 May 2006. THE 30 month time period for paying the basic national fee in the United States expired at midnight on 15 May 2007. Applicants filed *inter alia* the basic national fee on 15 May 2007.

On 09 March 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 06 May 2009, applicants filed a response, including a declaration.

On 15 May 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, objecting to the declaration because it "identifies inventor not listed on the International Application, Luuk F. Tiemeijer."

DISCUSSION

Counsel requests that Luuk Tiemeijer be added as an inventor. Relief is requested under 37 CFR 1.48, but the regulation most pertinent to this situation is 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)).

Regarding requirement (1), applicants have provided an appropriate statement signed by Mr. Tiemeijer.

Regarding requirement (2), the processing fee is being charged to Deposit Account 50-4019, as authorized by counsel.

Regarding requirement (3), review of the record suggests that Philips may enjoy an assignment interest in this application, but applicants have neither provided the written consent of any assignee nor indicated that there is no assignee. Thus, requirement (3) has not been satisfied.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

11United States Patent and Trademark Office

17 FEB 2010

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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of
Bouttement et al.
Application No.: 11/719,396
PCT No.: PCT/IB2005/053769
Int. Filing Date: 15 November 2005
Priority Date: 15 November 2004
Attorney Docket No.: US04 0461 US2
For: Variable Inductance Circuitry For Frequency Control Of A Voltage Controlled Oscillator

DECISION

This is in response to the renewed request under 37 CFR 1.497(d) filed on 23 December 2009.

DISCUSSION

In a Decision mailed on 21 October 2009, the request filed on 11 June 2009 was treated under 37 CFR 1.497(d). The declaration was not accepted, without prejudice, because

> Regarding requirement (3), review of the record suggests that Philips may enjoy an assignment interest in this application, but applicants have neither provided the written consent of any assignee nor indicated that there is no assignee. Thus, requirement (3) has not been satisfied.

In response, counsel has provided a "Consent of Assignee..." signed by Peter Zawilski, consenting to the change in inventorship on behalf of NXP B.V. Counsel has also provided a statement under 37 CFR 3.73(b), signed by Mr. Zawilski, who asserts that he "is authorized to act on behalf of the assignee." The 37 CFR 3.73(b) statement identifies NXP B.V. as "the assignee of the entire right, title and interest in" the application, and identifies the reel and frame numbers where documentary evidence of the chain of title has been recorded in the records of the USPTO. As such, requirement (3) how has been satisfied.

DECISION

The declaration filed on 06 May 2009 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **06 May 2009**.

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

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RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Rudolf Heinz	: DECISION ON REQUEST FOR
Patent Number	: 7621258	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/719,424	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **200** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

Mail Date: 05/18/2010

Applicant : Rudolf Heinz
Patent Number : 7621258
Issue Date : 11/24/2009
Application No : 11/719,424
Filed : 05/16/2007

: 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 **313** 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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2 0 AUG 2007

Walker Digital Management, LLC
Two High Ridge Park
Stamford, Connecticut 06905

In re Application of WALKER, Jay S. Application No.: 11/719,429 PCT No.: PCT/US05/34528 Int. Filing Date: 27 September 2005 Priority Date: 27 September 2004 Attorney Docket No.: 04-028 For: PRODUCTS AND PROCESSES FOR DETERMING ALLOCATION OF INVENTORY FOR A VENDING MACHINE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 16 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

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

1 1 FEB 2008

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Walker Digital Management, LLC
Two High Ridge Park
Stamford, Connecticut 06905 USA

In re Application of	:	DECISION ON
Walker Digital et al	:	
Application No.: 11/719,441	:	
PCT No.: PCT/US2005/024653	:	
Int. Filing Date: 12 July 2005	:	PETITION UNDER
Priority Date: 12 July 2004	:	
Attorney's Docket No.: 04-039	:	
For: Products and Processes for ...	:	
Vending Machine	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 16 May 2007.

BACKGROUND

On 12 July 2005, this international application was filed, claiming an earliest priority date of 12 July 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 January 2007. This international application became abandoned with respect to the United States at midnight on 12 January 2007 for failure to pay the required basic national fee.

On 16 May 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

On 18 June 2007, applicants filed an improper composite executed declaration because one set of the two sets of declarations was incomplete. The second set only had sheet (page 6) lacking the four sheets pages 1-4 to make it complete.

Accordingly, applicants have to file a proper composite executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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

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CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO TX 75024

MAILED

OCT 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Beatriz Dominguez, et al.	:	
Application No. 11/719,478	:	DECISION GRANTING PETITION
Filed: July 17, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. EEHC/25664 US (4136-00600	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 8, 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 26, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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.

Terri Johnson
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100419

DATE : April 19, 2010

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7667075

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:

/DANIEL M SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

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30 DEC 2009

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON MA 02109-2881

In re Application of	:	
SAHIN, Nedim, Turan	:	DECISION ON REQUEST
U.S. Application No.: 11/719,484	:	FOR WITHDRAWAL AS
PCT No.: PCT/US2005/041934	:	ATTORNEY OF RECORD
Int. Filing Date: 18 November 2005	:	
Priority Date: 18 November 2004	:	
Attorney Docket No.: SAH-001	:	
For: MRI AS A THERAPEUTIC DEVICE	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PTO/SB/83) filed 27 October 2009.

The criteria for submitting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36(b), Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. A withdrawal of another attorney or agent of record, without also withdrawing the attorney or agent signing the request is a revocation, not a withdrawal.
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Austin P. Wang. has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 51414.

There is no pending Office communication in this application for which the time period for response will expire in the next 30 days.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating USPTO records to remove above-named counsel as attorney of record and updating the correspondence address herein to that off the sole inventor, Nedim Turin SAHIN, as set forth in the Form PTO/SB/83 filed 27 October 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296
Fax: (571) 273-0459

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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington DC 20037

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JAN 07 2010

In re Application of	:	
Vasily Ivanovich Shveykin	:	DECISION ON PETITION
Application No. 11/719,536	:	TO WITHDRAW
Filed: May 16, 2007	:	FROM RECORD
Attorney Docket No. CQ10317	:	

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 September 4, 2009 that requires a reply.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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SEP 24 2007

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

In re Application of	:	
Akira YAZAKI, et al	:	DECISION ON REQUEST TO
Application No. 11/719,547	:	PARTICIPATE IN PATENT
Filed: May 17, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 306784US0PCT	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 15, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

3 1 DEC 2009

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WORKMAN NYDEGGER/Leica
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of	:	
Kirschner	:	
Application No.: 11/719,636	:	
PCT No.: PCT/EP2005/055756	:	
Int. Filing Date: 04 November 2005	:	DECISION
Priority Date: 19 November 2004	:	
Attorney Docket No.: 16455.26	:	
For: Method For Determining The Orientation	:	
Of An Orientation Indicator	:	

This is in response to the petition under 37 CFR 1.182 filed on 03 November 2009.

BACKGROUND

This international application was filed on 04 November 2005, claimed an earlier priority date of 19 November 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 26 May 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 May 2007. Applicant filed *inter alia* the basic national fee on 17 May 2007.

On 20 August 2007, applicant filed *inter alia* a declaration.

On 10 April 2008, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "08/20/2007" were mailed to applicant.

DISCUSSION

Counsel requests that "the certified copy of the priority document [be] made available in this patent application according to PCT Rule 17." Review of the record reveals that this international application claimed priority of EP application 04027500.0 filed on 19 November 2004. Inspection of the documents made available via the PATENTSCOPE service at www.wipo.int reveals that the priority document in question is shown therein, and that it is indicated that the "Priority document submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b)." Based on the totality of the evidence currently of record, it would be appropriate to grant the requested relief. A copy of the priority document is being placed in the electronic application file.

The instant petition was brought under 37 CFR 1.182, but it is properly treated under 37 CFR 1.181. Accordingly, the $400.00 petition fee is being refunded.

DECISION

The petition is **GRANTED** as noted above.

This application is being returned to Technology Center 3662. The copy of priority document EP 04027500.0 will be used for examination purposes. *See* PCT Rule 17.2(a).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

10 APR 2009

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
WU, et al.	:	
Application No.: 11/719,677	:	
PCT No.: PCT/US05/41904	:	DECISION ON PETITION
Int. Filing Date: 18 November 2005	:	
Priority Date: 18 November 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 11245/52702	:	
For: ANTIBODIES AGAINST VASCULAR	:	
ENDOTHELIAL GROWTH FACTOR	:	
RECEPTOR-1	:	

The petition to revive under 37 CFR 1.137(b) filed 13 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

1 8 AUG 2008

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20036

In re Application of	:	DECISION ON REQUEST
BERNHARD et al.	:	
Application No.: 11/719,689	:	FOR WITHDRAWAL
Attorney's Docket No.: COCH-0097US1	:	
For: IMPLANTABLE FIXATION ASSEMBLY FOR	:	AS ATTORNEY
REMOVABLY SECURING MEDICAL DEVICE	:	

This is in response to the "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT" filed 10 October 2007 and to the "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT" filed 19 May 2008. Ajay Jagtiani has requested that he and the attorneys/agents associated with Customer Number 22,506 be withdrawn as attorneys or agents of record. No fee is required.

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> The Commissioner of Patents and Trademarks usually requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with and since there are no outstanding responses due, the request to withdraw as attorney of record is **GRANTED**.

All future communications will be forwarded to Customer No. 30,678 as indicated in the "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT" filed 19 May 2008.

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.

A copy of this decision and the withdrawal request will be forwarded to Ajay Jagtiani.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (271) 272-3301
Facsimile: (571) 273-0459

CC: JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

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

COPY MAILED

MAR 0 9 2010

In re Application of	:	
BOGDANOVA, Nadja et al.	:	
Application No. 11/719,732	:	DECISION ON PETITION
Filed: August 16, 2007	:	TO WITHDRAW
Attorney Docket No. **094326-0101**	:	FROM RECORD
	:	

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 12, 2010.

The request is **APPROVED**.

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

The request was signed by Richard Peet on behalf of all attorneys of record who are associated with customer No. 22428. All attorneys/agents associated with the Customer Number 22428 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Nadja Bogdonova11719732 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: **NADJA BOGDANOVA**
GESCHERWEG 57
48161 MUNSTER
GERMANY

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.
11/719,738	05/18/2007	Hajime Kondou	Q101783	1882

23373 7590 07/31/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
PAK, HANNAH J

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
07/31/2009	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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wk

Mailed: JUL 31 2009

In re application of Hajime Kondou Serial No. 11/719,738 Filed: May 18, 2007 For: Modified Natural Rubber Masterbatch And Method For Producing The Same As Well As Rubber Composition And Tire	: : : : : :	DECISION ON PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on June 1, 2009 to withdraw the final status of the office action dated April 6, 2009.

A Final Office Action was mailed on April 6, 2009 whereby the Examiner issued a new ground of rejection (the removal of Tanaka et al. reference from the previously cited 37 CFR 103 rejection). Claims 14 and 15 were amended however the new grounds for rejection were not necessitated by the amendments as evidenced by the Examiner's response (referring to the previous office action that included the Tanaka et al. reference).

DECISION

The petition for withdrawal of finality is **GRANTED.**

The response period will continue to run from the mail date of the office action of April 6, 2009.

/Gregory L Mills/
Gregory L. Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

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

1 0 APR 2009

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HUSCH BLACKWELL SANDERS LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105-3441

In re Application of	:	
ASCARI et al.	:	
Application No.: 11/719,739	:	DECISION
PCT No.: PCT/IB2005/003453	:	
Int. Filing Date: 18 November 2005	:	
Priority Date: 19 November 2004	:	
Attorney Docket No.: 43603-(009-0108)	:	
For: VARIABLE DELIVERY VANE OIL PUMP,	:	
IN PARTICULAR FOR OIL	:	

This decision is in response to applicants' request for refund filed in the United States Patent and Trademark Office (USPTO) on 29 January 2009.

BACKGROUND

On 18 November 2005, applicant filed international application PCT/IB2005/003453, which designated the U.S. and claimed a priority date of 19 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 26 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 May 2007 (19 May 2007 being a Saturday).

On 18 May 2007, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 16 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495, according the application a 35 U.S.C. 371 date of 02 December 2008.

On 29 January 2009, applicant filed the instant request for refund.

DISCUSSION

The request for refund requests a refund of $360 charged for multiple dependent claims on 14 January 2009. It is urged that the refund is due because applicant submitted a set of claims on 18 May 2007 which did not contain any multiple dependencies. However, this set of claims was not in compliance with 37 CFR 1.121 and thus was not entered.

CONCLUSION

The request for refund under 37 CFR 1.26 is **REFUSED** for the reasons set forth above.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

2 3 DEC 2008

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JAMES SONNTAG
JAMES SONNTAG, PATENT ATTORNEY
P.O. BOX 9194
SALT LAKE CITY UT 84109

In re Application of BELL, John O. Application No.: 11/719,750 PCT No.: PCT/US2005/038256 Int. Filing Date: 21 October 2005 Priority Date: 23 October 2004 Docket No.: NRTQ01US For: PASSIVE MONITORING OF BIOELECTICAL SIGNALS AND ACTIVE ELECTRICAL ANESTHESIA STIMULATION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 19 May 2007 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has furnished a declaration of the inventor in compliance with 37 CFR 1.497(a)-(b). However, applicant has not furnished the surcharge for late filing of the search fee, examination fee or oath or declaration.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the search fee, examination fee and the surcharge for late filing of the search fee, examination fee or oath or declaration are required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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WEINER & BURT, P.C.
635 N US-23
POB 186
HARRISVILE, MI 48740

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MAY 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Fausto Milanesi	:	DECISION ON PETITION
Application No. 11/719,752	:	TO WITHDRAW
Filed: May 19, 2007	:	FROM RECORD
Attorney Docket No. PET102A	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 9, 2010 and resubmitted February 25, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

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

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **LAGOSTINA S.P.A.**
VIA IV NOVEMBRE NO. 45
OMEGNA, VERBANIA
ITALY

0 9 JUN 2008

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MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO, IL 60606

In re Application of	:	DECISION ON
Roger BLANC	:	
Application No.: 11/719,801	:	
PCT No.: PCT/FR2005/02839	:	PAPERS FILED
Int. Filing Date: 16 November 2005	:	
Priority Date: 23 November 2004	:	
Attorney's Docket No.: 28944/50080	:	UNDER 37 CFR 1.42
For: Display Device which ...	:	
Length of a Support	:	

This is a decision on the declaration filed 21 May 2007, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 21 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant filed on 17 July 2007 a declaration indicating that Viviane Blanc and Caroline Blanc Andrei are the legal representative of the deceased inventor, Heinz FOCKE.

DISCUSSION

The declaration is not accepted under 37 CFR 1.42 because it does not includes the citizenship and mailing addresses of the deceased inventor, Roger Blanc. Accordingly, applicant has not satisfied the requirements under 37 CFR 1.42.

Thus, the requirements under 35 USC 371(c) are not satisfied

DECISION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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1 5 JAN 2009

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MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO, IL 60606

In re Application of	DECISION ON RENEWED
Roger BLANC	
Application No.: 11/719,801	
PCT No.: PCT/FR2005/02839	PAPERS FILED
Int. Filing Date: 16 November 2005	
Priority Date: 23 November 2004	
Attorney's Docket No.: 28944/50080	UNDER 37 CFR 1.42
For: Display Device which ...	
Length of a Support	

This is a decision on the "Renewed Submission Under 37 CFR 1.42" filed 11 August 2008.

BACKGROUND

In a decision from this Office on 09 June 2008, the request filed on 21 May 2007 was dismissed. The decision indicated that declaration did not include the citizenship and residence of the deceased inventor.

On 11 August 2008, applicants filed the present renewed submission under 37 CFR § 1.42 accompanied with an executed declaration.

DISCUSSION

The renewed submission includes, a newly executed declaration that now sets forth the residence, citizenship and mailing addresses of both the deceased inventor and the legal representatives and signed by the legal representatives.

Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continue processing and indicating a date of **11 August 2008** under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4).

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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12 JUL 2007

58249
COOLEY GODWARD KRONISH LLP
Attn: Patent Group
Suite 500
1200- 19th Street, NW
Washington, DC 20036-2402

In re Application of :
LANZAVECCHIA, Antonio :
U.S. Application No.: 11/719,835 :
PCT No.: PCT/IB2004/001071 :
Int. Filing Date: 26 February 2004 :
Priority Date: 26 February 2003 :
Attorney Docket No.: HUMA-002/00US :
For: MONOCLONAL ANTIBODY :
PRODUCTION BY EVB
TRANSFORMATION OF 8 CELLS

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 21 May 2007 is hereby **GRANTED** as follows:

The basic national fee and the petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 February 2004 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 21 May 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Tanaka, et al.
Application No. 11/719,916
Filed: May 22, 2007
Attorney Docket No. 307013US0PCT
For: WATER-BASED INKS FOR INK-JET PRINTING

This is a decision on the petition under 37 CFR 1.59, filed February 2, 2009, to expunge the Information Disclosure Statement submitted by mistake in the present case on August 27, 2008.

The petition is **granted** to the extent indicated herein.

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;
(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

37 CFR 1.59(b) covers the situation where an unintended heading has been placed on papers so that they are present in an incorrect application file. In such a situation, a petition should request that the papers be expunged rather than transferred to the correct application file. Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

It is apparent from a review of the document that the IDS filed on August 27, 2008 was intended to be filed in another application. It is noted that the attorney who filed the IDS is not an attorney of record in this application. There are sufficient identifiers present to associate the IDS with the correct application file for which it was intended. Therefore, the IDS and all related papers filed on August 27, 2008 will be transferred to the file for which it was intended. In essence, the IDS and all related papers filed on August 27, 2008 will be expunged from this application.

The $200.00 petition fee will be credited to petitioners' credit card.

After the mailing of this decision, the file will be returned to Technology Center AU 1796 for consideration of the amendment filed on February 2, 2009.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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2 3 OCT 2009

45074
NATIONAL INSTITUTES OF HEALTH
P.O. Box 2903
Minneapolis MN 55402

In re Application of :
ADHYA *et al* :
U.S. Application No.: 11/719,925 :
PCT No.: PCT/US2005/042612 :
Int. Filing Date: 22 November 2005 :
Priority Date: 23 November 2004 :
Attorney Docket No.: 11613.0080USWO :
For: METHODS AND COMPOSITIONS FOR THE IN VITRO HIGH-THROUGHPUT DETECTION OF PROTEIN/PROTEIN INTERACTIONS :

DECISION

This is a decision on the response filed on 22 June 2009 which has been treated as a request to consider a typographical error and as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 20 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the current declaration was not in compliance with 37 CFR 1.497(a) and (b) as it not properly executed and the first inventor's name was spelled differently compared to the published international publication. A declaration and surcharge fee was requested. Applicants were given two months to respond with extensions of time available.

On 22 June 2009, applicants filed a response which was accompanied by, *inter alia*, a statement regarding the discrepancy with the name of the first inventor, a one-month extension and fee, a $130.00 surcharge fee, and a declaration executed by one of the two named inventors and by the legal representative of a deceased inventor, Amos Oppenheim.

On 21 October 2009, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements are 22 June 2009.

DISCUSSION

Name of Inventor Misspelled in International Application

The first inventor is listed as Sancar Adhya in the International Application. The declaration provided in the above-captioned national stage application records the name as Sankar Adhya. Applicants' state that "the first inventor's name is spelled incorrectly on the published PCT application (PCT/US05/42612) and the correct spelling is in fact "Sankar."

Section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error.

Applicants' explanation meets the requirements of the MPEP. A typographical error was made in the international application with regards to the first name of the inventor, Sankar Adhya.

Petition Under 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The citizenship, residence and address of all the joint inventors (including the deceased inventor) are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). However, the declaration does not include the citizenship, residence and address of the legal representative. This information is a requirement of 37 CFR 1.497(b)(2).

As such, the declaration does not comply with 37 CFR 1.497(a) and (b).

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

The Form PCT/DO/EO/903 and filing receipt mailed 21 October 2009 both contain erroneous information regarding the date of completion of 35 U.S.C. 371 requirements. As discussed above, applicants have not yet provided an acceptable declaration.

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 8 AUG 2007

BRAKE HUGHES BELLERMANN LLP
c/o INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS MN 55402

In re Application of	:	
BETZIG, Robert Eric	:	
U.S. Application No.: 11/719,928	:	DECISION
Filing Date: 22 May 2007	:	
Attorney Docket No.: 0022-002002	:	
For: OPTICAL LATTICE MICROSCOPY	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 23 November 2005, applicant filed international application PCT/US2005/04286, claiming a priority date of 23 November 2004. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 23 May 2007.

On 22 May 2007, applicant filed *inter alia*, fees and a specification indicating that the application was a continuation of PCT/US2005/04286.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

The USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111 . . .

If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

Here, the indication that the application is a continuation of the international application, rather than a national stage of the international application, is an instruction to process the

application pursuant to 35 U.S.C. 111(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

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

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
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Telephone: 571-272-3292
Facsimile: 571-273-0459

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PO BOX 52050
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of		
Robert Eric Betzig	:	
Application No. 11/719,928	:	DECISION ON
Filed: May 22, 2007	:	PETITION
Attorney Docket No. 0022-002001	:	

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 24, 2008.

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

The holding of abandonment is **WITHDRAWN**.

The above-identified application was held abandoned for failure to timely file a reply to the Notice to File Missing Parts mailed October 22, 2007. This Notice set a two month time period for applicant to pay additional fees in the amount of $390. However, applicant previously had filed an authorization to charge those fees to his deposit account on October 19, 2007[1], in response to a Notice to File Missing Parts mailed on August 10, 2007.[2] As such, it is obvious that the October 22, 2007 Notice to File Missing Parts was mailed in error.

---

[1] Applicant included an authorization to charge $315 to his deposit account, together with an authorization to charge any additional fees.

[2] The August 14, 2007 Notice to File Missing parts was withdrawn by the Office on October 22, 2007.

In view of the above, the holding of abandonment is withdrawn.

As petitioner did not submit any evidence that the $390 fee was charged to his deposit account on October 19, 2007, that fee has now been charged.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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BRAKE HUGHES BELLERMANN LLP
c/o INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS MN 55402

In re Application of	:	
BETZIG, Robert Eric	:	
U.S. Application No.: 11/719,930	:	DECISION
Filing Date: 22 May 2007	:	
Attorney Docket No.: 0022-002002	:	
For: OPTICAL LATTICE MICROSCOPY	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 23 November 2005, applicant filed international application PCT/US2005/04286, claiming a priority date of 23 November 2004. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 23 May 2007.

On 22 May 2007, applicant filed *inter alia*, fees and a specification indicating that the application was a continuation of PCT/US2005/04286.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

The USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111 . . .

If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

Here, the indication that the application is a continuation of the international application, rather than a national stage of the international application, is an instruction to process the

application pursuant to 35 U.S.C. 111(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

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

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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OFFICE OF PETITIONS

In re Application of
Robert Eric Betzig :
Application No. 11/719,930 : DECISION ON
Filed: May 22, 2007 : PETITION
Attorney Docket No. 0022-002002 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 24, 2008.

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

The holding of abandonment is **WITHDRAWN**.

The above-identified application was held abandoned for failure to timely file a reply to the Notice to File Missing Parts mailed October 22, 2007. This Notice set a two month time period for applicant to pay additional fees in the amount of $390, plus a $65 late surcharge. However, applicant previously had filed an authorization to charge those fees to his deposit account on October 15, 2007[1], in response to a Notice to File Missing Parts mailed on August 10, 2007.[2] As such, it is obvious that the October 22, 2007 Notice to File Missing Parts was mailed in error.

---

[1] Applicant included an authorization to charge $315 to his deposit account, together with an authorization to charge any additional fees.

[2] The August 14, 2007 Notice to File Missing parts was withdrawn by the Office on October 22, 2007.

In view of the above, the holding of abandonment is withdrawn.

As petitioner did not submit any evidence that the $455 fee was charged to his deposit account on October 15, 2007, that fee has now been charged.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MINNEAPOLIS MN 55402

In re Application of	:	
BETZIG, Robert Eric	:	
U.S. Application No.: 11/719,931	:	DECISION
Filing Date: 22 May 2007	:	
Attorney Docket No.: 0022-002002	:	
For: OPTICAL LATTICE MICROSCOPY	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 23 November 2005, applicant filed international application PCT/US2005/04286, claiming a priority date of 23 November 2004. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 23 May 2007.

On 22 May 2007, applicant filed *inter alia*, fees and a specification indicating that the application was a continuation of PCT/US2005/04286.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

The USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111 . . .

If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

Here, the indication that the application is a continuation of the international application, rather than a national stage of the international application, is an instruction to process the

application pursuant to 35 U.S.C. 111(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

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

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

Erin P. Thomson

Erin P. Thomson
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OFFICE OF PETITIONS

In re Application of
Robert Eric Betzig :
Application No. 11/719,931 : DECISION ON
Filed: May 22, 2007 : PETITION
Attorney Docket No. 0022-002003 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 24, 2008.

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

The holding of abandonment is **WITHDRAWN**.

The above-identified application was held abandoned for failure to timely file a reply to the Notice to File Missing Parts mailed October 22, 2007. This Notice set a two month time period for applicant to pay additional fees in the amount of $315. However, applicant previously had filed an authorization to charge those fees to his deposit account on October 19, 2007, in response to a Notice to File Missing Parts mailed on August 14, 2007.[1] As such, it is obvious that the October 22, 2007 Notice to File Missing Parts was mailed in error.

---

[1] The August 14, 2007 Notice to File Missing parts was withdrawn by the Office on October 22, 2007.

In view of the above, the holding of abandonment is withdrawn.

As petitioner did not submit any evidence that the $315 fee was charged to his deposit account on October 19, 2007, that fee has now been charged.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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DICKSTEIN SHAPIRO, LLP
1825 EYE STREET, N.W.
WASHINGTON, DC 20006

In re Application of Lee U.S. Application No.: 11/719,936 PCT No.: PCT/GB2005/004490 Int. Filing Date: 22 November 2005 Priority Date: 22 November 2004 Docket No.: 335111-00006 For: Method And Apparatus For Information Retrieval	:	**DECISION**

This decision is in response to the "Revocation of Power of Attorney with New Power of Attorney and Change in Correspondence Address" filed on 14 December 2007.

DISCUSSION

37 CFR 1.36(a) states that a power of attorney may be revoked at any stage in the proceedings of a case by an applicant or assignee. Section 402.05 of the Manual of Patent Examining Procedure (MPEP) discusses revocation and states:

> Revocation of the power of attorney becomes effective on the date that the revocation is RECEIVED in the Office (not on the date of ACCEPTANCE).

Here, the request for revocation of all previous powers of attorney and power of attorney to the attorneys and/or patent agents associated with customer number 24998 was signed by the applicant/inventor of the subject application. No assignment has been recorded in the USPTO, and no relationship with a potential assignee is implied by the published international application.

CONCLUSION

Applicants' request for revocation has been **GRANTED**.

This application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing, including updating the correspondence address of record to that associated with Customer Number 24998.

11/719,936

A copy of this decision will be forwarded to applicant's former counsel.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel.: (571) 272-3283

cc: KATTEN MUCHIN ROSENMAN LLP
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

3 1 MAR 2008

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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

In re Application of	:	
Vau et al.	:	
Application No.: 11/719,986	:	
PCT No.: PCT/EP2005/011869	:	
Int. Filing Date: 07 November 2005	:	DECISION
Priority Date: 26 November 2004	:	
Attorney Docket No.: 88967WRZ	:	
For: Method Of Automatic Navigation Directed	:	
Towards Regions Of Interest Of An Image	:	

This is in response to the submission under 37 CFR 1.497(d) filed on 19 December 2007.

BACKGROUND

This international application was filed on 07 November 2005, claimed an earlier priority date of 26 November 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 01 June 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 May 2007. Applicant filed *inter alia* the basic national fee on 23 May 2007.

On 20 September 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

Applicants in effect request acceptance of the declaration with Olivier Furon added as an inventor. Relief is requested under 37 CFR 1.48(a), but this request is properly treated under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided statements by the originally named inventors, but have not provided an appropriate statement by Olivier Furon, who is sought to be added as an inventor.

Regarding requirement (2), the required processing fee is being charged to Deposit Account no. 05-0225, as authorized by the instant submission.

Regarding requirement (3), applicants have provided a written "Consent of Assignee...," but this Consent does not adequately show that the person submitting it is a person authorized to act on behalf of the assignee. See 37 CFR 3.73(b)(2). It is also noted that the Consent does not explicitly indicate the exact change to which consent is being given.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application. No additional processing fee is required.

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

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

0 4 SEP 2008

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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

In re Application of	:	
Vau et al.	:	
Application No.: 11/719,986	:	
PCT No.: PCT/EP2005/011869	:	
Int. Filing Date: 07 November 2005	:	DECISION
Priority Date: 26 November 2004	:	
Attorney Docket No.: 88967WRZ	:	
For: Method Of Automatic Navigation Directed	:	
Towards Regions Of Interest In An Image	:	

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 30 June 2008.

DISCUSSION

In a Decision mailed on 31 March 2008, the submission under 37 CFR 1.497(d) filed on 19 December 2007 was not accepted, without prejudice, because petitioner had not provided an appropriate statement by Olivier Furon and because applicants had not adequately demonstrated the consent of the assignee.

In response, counsel has provided an appropriate statement by Olivier Furon. Counsel has also provided a "Consent Of Assignee" which specifically consents to the addition of Mr. Furon and which identifies the assignee, specifies where the relevant assignment is recorded in the USPTO, and is signed by an officer of the assignee. Therefore, applicants have now satisfied all of the requirements for relief under 37 CFR 1.497(d).

DECISION

The declaration filed on 23 May 2007 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **23 May 2007**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CERMAK KENEALY VAIDYA & NAKAJIMA LLP
515 EAST BRADDOCK RD SUITE B
Alexandria VA 22314

MAILED

NOV 0 9 2009

OFFICE OF PETITIONS

Applicant: Ishimaru et al.
Appl. No.: 11/720,021
International Filing Date: November 15, 2005
Title: CLINICAL THERMOMETER
Attorney Docket: FP3002-0041
Pub. No.: US 2008/0107152 A1
Pub. Date: May 8, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 20, 2008, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in the form of, *inter alia*, a PCT filing date of June 15, 2005 rather than the correctly filed date of November 15, 2005.

The request is GRANTED.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Michael Cygan, 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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04 SEP 2007

LOCKE LIDDELL & SAPP LLP
ATTN: IP DOCKETING
600 TRAVIS
3400 CHASE TOWER
HOUSTON TX 77002-3095

In re Application of MORELLO. Application No.: 11/720,023 PCT No.: PCT/US05/41743 Int. Filing: 16 November 2005 Priority Date: 16 November 2004 Attorney Docket No.: 021906-032US For: REMOTE DATA MONITOR FOR HEART PUMP SYSTEM	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 23 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

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

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

1 5 NOV 2007

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DRIGGS, HOGG & FRY CO. L.P.A.
38500 CHARDON ROAD
DEPT. DLBH
WILLOUGBY HILLS OH 44094

In re Application of	:	
DEVRIES et al.	:	
Application No.: 11/720,053	:	DECISION ON
PCT No.: PCT/US05/42526	:	
Int. Filing Date: 22 November 2005	:	DECLARATION
Priority Date: 23 November 2004	:	
Attorney Docket No.: SUP-10-6037-US	:	
For: APPARATUS AND METHOD FOR CYROGENICALLY COOLING A COIL ON A MAGNETIC RESONANCE IMAGING SYSTEM	:	

This decision is on the submission of a declaration under PCT Rule 4.17, filed in the United States Patent and Trademark Office on 23 May 2007 in the above referenced application.

BACKGROUND

On 22 November 2005, applicant filed international application PCT/US05/42526, claiming a priority date of 23 November 2004.

On 23 May 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee along with a copy of the declaration under PCT Rule 4.17.

On 13 September 2007, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 22 October 2007, applicant submitted a response to the Notification including a copy of the declaration under PCT Rule 4.17 executed by the inventors.

DISCUSSION

The declaration submitted on 23 May 2007 and resubmitted 22 October 2007 in response to the Notification of Missing Requirements, was filed under PCT Rule 4.17 and signed by the

inventors. However, the declaration does not identify the international application to which it is directed and thus, does not comply with 37 CFR 1.497(a) and (b). See also PCT Administrative Instruction 214, which states that the declaration must be directed to the PCT application if the declaration is furnished pursuant to PCT Rule 26*ter.2*. It is evident that the declaration was not filed with the Request form and international application but filed thereafter, since the Request was filed on 22 November 2005 and according the United States Receiving Office records, the declarations were not filed until 03 July 2006. The declaration does not meet the requirements of PCT Rule 26*ter*.2 or the requirements of 37 CFR 1.497(a) and (b). *See* MPEP 1893.01(e). The declaration submitted on 23 May 2007 is unacceptable.

A newly executed declaration, in compliance with 37 CFR 1.497(a) and (b) is required.

CONCLUSION

Applicant is required to file a newly executed declaration, in compliance with 37 CFR 1.63 and 1.497(a) and (b) within the time limit of one month from the date of this letter or within the time remaining in the response period of the Notification of Missing Requirements, whichever is longer. NO EXTENSION OF THIS TIME MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE NOTIFICATION OF MISSING REQUIREMENTS MAY BE EXTENDED UP TO A MAXIMUM OF FIVE MONTHS.

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

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2 7 FEB 2008

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DRIGGS, HOGG & FRY CO. L.P.A.
38500 CHARDON ROAD
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WILLOUGBY HILLS OH 44094

In re Application of	:	
DEVRIES et al.	:	
Application No.: 11/720,053	:	DECISION ON
PCT No.: PCT/US05/42526	:	
Int. Filing Date: 22 November 2005	:	DECLARATION
Priority Date: 23 November 2004	:	
Attorney Docket No.: SUP-10-6037-US	:	
For: APPARATUS AND METHOD FOR	:	
CYROGENICALLY COOLING A COIL ON A	:	
MAGNETIC RESONANCE IMAGING SYSTEM		

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 13 December 2007 in the above referenced application.

BACKGROUND

On 13 September 2007, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 22 October 2007, applicant submitted a response to the Notification including a copy of the declaration under PCT Rule 4.17 executed by the inventors. On 15 November 2007, a decision dismissing the petition was mailed, indicating that the declaration did not comply with 37 CFR 1.497(a) and (b).

On 13 December 2007, applicant responded with the submission of an executed declaration.

DISCUSSION

The declaration submitted on 13 December 2007 now identifies the national application to which it is directed. However, the declaration is unacceptable for two reasons. The declaration contains two Page 1s. It appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See

MPEP 201.03. What is required is one declaration where all inventors have signed or separate complete declarations. The requirements of 37 CFR 1.497 (a) and (b) have not yet been met and the declaration is unacceptable as filed.

Secondly, a review of the declaration reveals that the declaration executed by inventor Gao has been altered with regard to his citizenship. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

The change regarding citizenship made in the declaration executed by inventor Gao was not dated and initialed or signed. Therefore, a new acceptable oath or declaration executed by, in compliance with 37 CFR 1.497(a) and (b), is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

For the reasons set forth above, the declaration submitted on 13 December 2007 is unacceptable as filed. What is required is one declaration where all inventors have signed or separate complete declarations in compliance with 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this Decision. Extensions of this time limit may be granted under 37 CFR 1.136(a).

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	
DEVRIES et al.	:	
Application No.: 11/720,053	:	DECISION ON
PCT No.: PCT/US05/42526	:	
Int. Filing Date: 22 November 2005	:	DECLARATION
Priority Date: 23 November 2004	:	
Attorney Docket No.: SUP-10-6037-US	:	
For: APPARATUS AND METHOD FOR	:	
CYROGENICALLY COOLING A COIL ON A	:	
MAGNETIC RESONANCE IMAGING SYSTEM		

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 15 April 2008 in the above referenced application.

BACKGROUND

On 13 September 2007, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 22 October 2007, applicant submitted a response to the Notification including a copy of the declaration under PCT Rule 4.17 executed by the inventors. On 15 November 2007, a decision dismissing the petition was mailed, indicating that the declaration did not comply with 37 CFR 1.497(a) and (b).

On 13 December 2007, applicant responded with the submission of an executed declaration. On 27 February 2008, a decision was mailed to applicant indicating that the declaration executed by inventor Gao was altered was submitted and a composite declaration was submitted. A new declaration executed by, in compliance with 37 CFR 1.497(a) and (b), was required.

On 15 April 2008, applicant submitted a response to the decision on the declaration along with the one page of the declaration executed by inventor Erzhen Gao.

DISCUSSION

Applicant has submitted a declaration executed by inventor Erzhen Gao; however, the

declaration was incomplete as submitted. The box stating that "additional inventors or legal representative are being named on 1 additional form(s) attached hereto" was checked; however, the second page of the declaration was missing. The declaration executed by inventor Gao as submitted fails to identify inventor Wallace Kunimoto. The entire declaration, as executed by the inventor, must be submitted.

Moreover, as explained in the decision mailed on 27 February 2008, applicant has not submitted a complete declaration as executed by inventors DeVries and Kunimoto. The requirements of 37 CFR 1.497 (a) and (b) have not yet been met and the declaration is unacceptable as filed. A complete declaration(s) is required. See MPEP 201.03.

CONCLUSION

For the reasons set forth above, the declaration submitted on 15 April 2008 is unacceptable as filed. What is required is complete declarations as executed by all inventors in compliance with 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this decision. Extensions of this time limit may be granted under 37 CFR 1.136(a).

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

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15 OCT 2008

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38500 CHARDON ROAD
DEPT. DLBH
WILLOUGBY HILLS OH 44094

In re Application of	:	
DEVRIES et al.	:	
Application No.: 11/720,053	:	DECISION ON
PCT No.: PCT/US05/42526	:	
Int. Filing Date: 22 November 2005	:	DECLARATION
Priority Date: 23 November 2004	:	
Attorney Docket No.: SUP-10-6037-US	:	
For: APPARATUS AND METHOD FOR CYROGENICALLY COOLING A COIL ON A MAGNETIC RESONANCE IMAGING SYSTEM	:	

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 04 August 2008 in the above referenced application.

BACKGROUND

On 13 September 2007, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 22 October 2007, applicant submitted a response to the Notification including a copy of the declaration under PCT Rule 4.17 executed by the inventors. On 15 November 2007, a decision dismissing the petition was mailed, indicating that the declaration did not comply with 37 CFR 1.497(a) and (b).

On 13 December 2007, applicant responded with the submission of an executed declaration. On 27 February 2008, a decision was mailed to applicant indicating that the declaration executed by inventor Gao was altered was submitted and a composite declaration was submitted. A new declaration executed by, in compliance with 37 CFR 1.497(a) and (b), was required.

On 15 April 2008, applicant submitted a response to the decision on the declaration along with the one page of the declaration executed by inventor Erzhen Gao.

On 05 June 2008, a decision dismissing applicant's petition was mailed indicating that the requirements of 37 CFR 1.497 (a) and (b) were not yet met and the declaration was unacceptable as filed. A complete declaration(s) was required.

On 04 August 2008, applicant filed the renewed petition along with three executed declarations.

DISCUSSION

Applicant has now submitted three complete declarations. Each declaration was executed by one of the inventors Gao, DeVries and Kunimoto. The declarations meet the requirements of 37 CFR 1.497 (a) and (b) and acceptable as filed.

CONCLUSION

For the reasons set forth above, the declaration submitted on 04 August 2008 is acceptable as filed.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 04 August 2008.

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OFFICE OF PETITIONS

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

In re Application of	:	
DEUTSCH, Fred	:	
Application No. 11/720,064	:	DECISION ON PETITION
Filed: January 11, 2008	:	TO WITHDRAW
Attorney Docket No. **58320.00001.UTL1**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 2009.

The request is **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 Martin Bader on behalf of all attorneys of record who are associated with customer No. 36183. All attorneys/agents associated with the Customer Number 36183 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 Deutsch at the address indicated below. There is an outstanding Office action mailed November 26, 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 DEUTSCH**
244 EAST 62ND STREET
NEW YORK NY 10021

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P.O. BOX 711200
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OFFICE OF PETITIONS

In re Application of	:	
Bloomquist et al.	:	DECISION ON PETITION
Application No. 11/720,117	:	TO WITHDRAW
Filed: August 16, 2007	:	FROM RECORD
Attorney Docket No. VTIP-102-US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 21, 2010.

The request is **NOT APPROVED**.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw. 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 December 10, 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

Joan Olszewski
Petitions Examiner
Office of Petitions

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29 JAN 2008

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In re Application of: IKRAMOV, et al. U.S. Application No.: 11/720,134 PCT No.: PCT/RU2005/000483 International Filing Date: 26 September 2005 Priority Date: 28 September 2004 Atty Docket No.: V-364 For: METHOD FOR STABILISING TIME POSITION OF AN ULTRA-BANDWIDTH SIGNAL AND A LIVE OBJECT MONITORING LOCATOR FOR CARRYING OUT SAID METHOD	DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 24 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 28 March 2007 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival includes payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the present petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that the 24 May 2007 submission included an executed declaration in compliance with 37 CFR 1.497, an English translation of the international application, and payment of the surcharge and processing fee required for submitting these materials later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 May 2007.

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2 4 FEB 2009

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TAKEDA SAN DIEGO, INC.
10410 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121

In re Application of:	:	
BRESSI, Jerome, C., et al.	:	DECISION
U.S. Application No.: 11/720,184	:	
PCT No.: PCT/US2005/043807	:	
International Filing Date: 02 December 2005	:	
Priority Date: 03 December 2004	:	
Attorney's Docket No.: KSP-5003-WO-U	:	
For: MITOTIC KINESIN INHIBITORS	:	

This decision is issued in response to the materials filed by applicants on 21 July 2008, treated herein as a request under 37 CFR 1.497(d) to add an additional inventor to the present application. Deposit Account 50-2256 will be charged the required $130 processing fee.

BACKGROUND

On 02 December 2005, applicants filed international application PCT/US2005/043807. The application claimed a priority date of 03 December 2004, and it designated the United States. On 08 June 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 03 June 2007. The published international application identified five applicant/inventors for purposes of the United States.

On 24 May 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials and payment of the basic national fee.

On 28 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing such declaration later than thirty months after the priority date, and additional sequence listing materials were required.

On 21 July 2008, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included the required sequence listing materials and surcharge payment, a declaration executed by the five inventors of record plus an additional inventor, Clifford D. MOL, and a statement from Clifford D. MOL. The declaration and related statement are treated herein as a request under 37 CFR 1.497(d) to add Cliford D. MOL as an additional inventor of record herein, so as to permit acceptance of the declaration filed 21 July 2008.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants have filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Clifford D. MOL has been added as an additional inventor). Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The materials filed by applicants on 21 July 2008 include the required statement of non-deceptive intent from the person to be added as an inventor (Clifford D. MOL), as well as the authorization to charge Deposit Account 50-2256 for required fees. Pursuant to this authorization, the Deposit Account will be charged the required $130 processing fee. Requirements (A) and (B) above are therefore satisfied. However, applicants have not submitted the written consent of assignee to the requested change in inventorship. Requirement (C) is therefore not satisfied.[1]

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d). Accordingly, the request to add Clifford D. MOL as an additional inventor of record is appropriately dismissed on the present record.

Based on the above, the declaration filed 21 July 2008 is not acceptable under 37 CFR 1.497(a) and (b) for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Deposit Account No. 50-2256 will be charged the required $130 processing fee.

---

[1] It is noted that such assignee consent must be submitted in compliance with 37 CFR 3.73(b).

The inventorship of record herein remains that set forth in the international application. Clifford D. MOL has not been added as an additional inventor of record.

The declaration filed 21 July 2008, which includes an additional inventor not yet of record herein, is defective on the present record for failure to properly identify the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request under 37 CFR 1.497(d), as discussed above and in the MPEP, that is, the written consent of the assignee to the proposed change of inventorship in the form required by 37 CFR 3.73(b).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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18 JUN 2009

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TAKEDA SAN DIEGO, INC.
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In re Application of:	:	
BRESSI, Jerome, C., et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/720,184	:	REQUEST
PCT No.: PCT/US2005/043807	:	(37 CFR 1.497(d))
International Filing Date: 02 December 2005	:	
Priority Date: 03 December 2004	:	
Attorney's Docket No.: KSP-5003-WO-U	:	
For: MITOTIC KINESIN INHIBITORS	:	

This decision is issued in response to the "Renewed Petition Request Under 37 CFR 1.497(d)" filed 23 April 2009. Applicants have previously submitted the required processing fee.

BACKGROUND

In a decision mailed on 24 February 2009, applicants' request to correct inventorship under 37 CFR 1.497(d) was dismissed without prejudice for failure to satisfy all the requirements of a grantable request. Specifically, applicants had not provided the consent of the assignee to the requested change of inventorship, as required under 37 CFR 1.497(d)(3).

On 23 April 2009, applicants filed the "Renewed Petition Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The present submission includes a "Statement Under 37 CFR 3.73(b)" executed on behalf of the assignee, Takeda San Diego, Inc. ("Takeda"). This document asserts the assignee's interest in the present application in compliance with the 37 CFR 3.73(b), as necessary. However, the submission does not include a statement properly executed on behalf Takeda in which the assignee expressly consents to the requested change in inventorship, that is, the addition of Clifford MOL as an additional inventor of record in the present application. Applicants must provide a statement signed by a person authorized to act on behalf of Takeda consenting to the requested change in inventorship. Until such a statement is provided, the final element of a grantable request under 37 CFR 1.497(d) remains unsatisfied.

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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The declaration filed herein remains defective on the present record for failure to properly identify the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy the requirements of 37 CFR 1.497(d)(3) (i.e., a properly executed statement of consent from the assignee expressly consenting to the requested change in inventorship).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

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TAKEDA SAN DIEGO, INC.
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SAN DIEGO CA 92121

In re Application of:	:	
BRESSI, Jerome, C., et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/720,184	:	REQUEST
PCT No.: PCT/US2005/043807	:	(37 CFR 1.497(d))
International Filing Date: 02 December 2005	:	
Priority Date: 03 December 2004	:	
Attorney's Docket No.: KSP-5003-WO-U	:	
For: MITOTIC KINESIN INHIBITORS	:	

This decision is issued in response to the second "Renewed Petition Request Under 37 CFR 1.497(d)" filed 10 July 2009. Applicants have previously submitted the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed on 24 February 2009 and 18 June 2009. The decisions dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to satisfy all the requirements of a grantable request. Specifically, the decisions indicated that applicants had not provided the consent of the assignee to the requested change of inventorship, as required under 37 CFR 1.497(d)(3).

On 10 July 2009, applicants filed the second "Renewed Petition Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The present submission includes the written consent of assignee Takeda San Diego, Inc. to the request to add Clifford D. MOL as an additional inventor herein, and such consent has been provided in accordance with 37 CFR 3.73(b).

Based on the above, applicants have now satisfied the final requirement of 37 CFR 1.497(d). The requested addition of Clifford D. MOL as an additional inventor of record in the present application is therefore appropriately granted.

In view of the correction in inventorship, the declaration filed 21 July 2008 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add Clifford D. MOL as an additional inventor of record herein.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 July 2008.

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0 8 JAN 2009

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In re Application of ANGERFORS et al	:	
U.S. Application No.: 11/720,208	:	
PCT Application No.: PCT/SE2004/001751	:	DECISION
International Filing Date: 26 November 2004	:	
Attorney Docket No.: 000009-115	:	
For: A MOUNTING SYSTEM FOR A V-STAY IN A LARGE VEHICLE	:	

This is in response to the "Petition Under 37 C.F.R. 1.182" filed 10 November 2008.

BACKGROUND

On 26 November 2004, applicant filed international application number PCT/SE2004/001751. The thirty month deadline for entry into the national phase in the United States expired on 26 May 2007.

On 25 May 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The international application number was entered into the EFS-Web user interface as "PCT/SE05/01751". However, the executed declaration and application data sheet (ADS) referenced international application number "PCT/SE2004/001751".

On 07 November 2008, this Office mailed a communication requiring clarification of the above-noted discrepancy.

On 10 November 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the incorrect international application number was mistakenly entered into the EFS-Web user interface and that the correct international application number appears on the ADS. Applicant's explanation for the error is accepted and correction is permissible.

The petition further requests waiver of the petition fee on grounds that the Office should have automatically used the international application number provided in the ADS, pursuant to 37 CFR 1.76(d)(2). However, 37 CFR 1.76(d)(2) relates to inconsistent information appearing in an amendment to the specification, a designation of the correspondence address, or an oath/declaration. In the present case, the inconsistent information was supplied via the EFS-Web user interface and did not involve any of the documents listed in 37 CFR 1.76(d)(2). Because the resolution of an inconsistency regarding the international application number is not specifically provided for in the regulations, and because the inconsistency was not the result of an action by the Office, a petition under 37 CFR 1.182 is required. See 37 CFR 1.182 (stating, "All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director. . . .) Petitioner has not provided evidence of any extraordinary situation involving a potential miscarriage of justice. See 37 CFR 1.183. Thus, waiver of the requirement of the petition fee is not indicated in the present case.

CONCLUSION

The petition under 37 CFR 1.182 is GRANTED.

The requisite $400.00 petition fee under 37 CFR 1.17(f) will be charged to Deposit Account No. 50-3015 as authorized in the petition.

The electronic records of the Office will be corrected to reflect that the present application is a national stage application based on international application number PCT/SE2004/001751.

The application has an International Filing Date under 35 U.S.C. 363 of 26 November 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 May 2007.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/720,285	05/25/2007	Eric Charles Reynolds	13353.0032USWO	6581

23552 7590 05/22/2009
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER
RICCI, CRAIG D

ART UNIT	PAPER NUMBER
1614	

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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MAY 2 2 2009

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

In re Application of :
Eric Chyrles Reynolds
Serial No.: 11/720,285
Filed: May 25, 2007
Attorney Docket No.: **13353.0032USWO**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed March 10, 2009, to expunge information from the above identified application. This application has not been allowed

Petitioner requests that two documents submitted cited on the Information Disclosure Statement of July 30, 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 application is under non-final action. 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

1 0 NOV 2008

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47670
KELLEY, DRYE & WARREN LLP
400 Atlantic Ave., 13th Floor
Stamford, CT 06901

In re Application of :
HOLZL *et al* :
U.S. Application No.: 11/720,305 :
PCT No.: PCT/AT2005/000472 :
Int. Filing Date: 24 November 2005 : **DECISION**
Priority Date: 25 November 2004 :
Attorney Docket No.: ABP-111(PCT)(US) :
For: CYLINDER FOR HIGH-PRESSURE :
HYDRAULICS :

This decision is in response to the request to withdraw as attorneys of record and change of correspondence address filed 31 July 2008, which is hereby **GRANTED** as follows:

As set forth in 37 CFR 1.36, a registered attorney or agent may withdraw, upon application to and approval by the Commissioner, so long as sufficient time remains for applicant to respond to any pending action. In the present case, the request to withdraw is signed by Hans-Peter G. Hoffman, on behalf of the attorneys associated with customer number 47670.

With the response filed on 31 July 2008, there is currently no action required on this application within the next 30 days, so the requirement of "at least 30 days between *approval* of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a)," is satisfied.

For the reasons above, the request to withdraw as agents of record is **GRANTED** as to the attorneys associated with customer number 47670.

All future communication will be directed to the address of the attorneys associated with customer number 00530.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 2 APR 2009

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00530
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK
600 South Avenue West
Westfield, NJ 07090

In re Application of	:	
HOLZL *et al*	:	
U.S. Application No.: 11/720,305	:	
PCT No.: PCT/AT2005/000472	:	
Int. Filing Date: 24 November 2005	:	**DECISION**
Priority Date: 25 November 2004	:	
Docket No.: ABP-111(PCT)(US)	:	
For: CYLINDER FOR HIGH-PRESSURE HYDRAULICS	:	

This is a decision on the petition to add two inventors under 37 CFR 1.497(d) filed 17 February 2009.

BACKGROUND

On 28 February 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 28 August 2008, applicants submitted a declaration executed by four inventors.

On 14 January 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 28 August 2008 was not in compliance with 37 CFR 1.497(a) and (b) because the inventors listed did not match the inventors recorded on the international application.

On 17 February 2009, applicants filed the subject response.

DISCUSSION

In the subject petition, applicants state that the inventorship in the international application is "erroneous." Applicants claim that the proper inventive entity should be Othmar Holzl, Martin Fielder and Mark Rudolph. Applicants filed the subject petition to add two inventors and also provided an executed declaration listing three inventors.

37 CFR 1.497(d) applies when the inventorship in a national stage application

filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants have satisfied items (1) and (2). However, applicants have not addressed item (3). If there is no assignee, applicants should so state. If there is an assignee, a written consent of the assignee to the addition of the two inventors is required.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

In addition, the declaration submitted is defective and not in compliance with 37 CFR 1.497(a) and (b). The declaration comprises one first page, two second pages and one third page. This indicates that the declaration was pieced together after execution to create a composite declaration. While it is acceptable for inventors to execute separate copies of the declaration, applicants must submit the entire declaration as it was executed by each inventor. A complete declaration for each inventor is required.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to submit a proper response will result in the abandonment of the above-captioned application.

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

11/720,305

Box 1450, Alexandria, Virginia 22313-1450.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 3 DEC 2009

Lerner, David, Littenberg,
Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090

In re Application of: HOLZL et al.
Application No.: 11/720,305
PCT No.: PCT/AT2005/000472
Int. Filing Date: 24 November 2005
Priority Date: 25 November 2004
Attorney Docket No.: ABP-111(PCT)(US)
For: CYLINDER FOR HIGH-PRESSURE HYDRAULICS

DECISION ON REQUEST

In a decision mailed by this Office on 22 April 2009, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 22 September 2009, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's 17 February 2009 and 22 September 2009 submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventors (Martin Fielder and Mark Rudolph). The processing fee set in forth in 37 CFR §1.17 has been submitted. And applicant has submitted a statement that "the originally named inventor (Othmar Holzl) has not executed an assignment of the International Application" pursuant to 37 CFR 1.497(d).

Based on the above, applicant's request to add Martin Fielder and Mark Rudolph as inventors is appropriately granted. Additionally, the declaration filed on 22 September 2009 (which named Othmar Holzl, Martin Fielder, and Mark Rudolph) is acceptable under 37 CFR 1.497.

Applicant's request to correct inventorship under 37 CFR 1.497(d) is <u>GRANTED</u>.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 22 September 2009.

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

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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED

JAN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Katakura et al.	:	
Application No. 11/720,367	:	DECISION ON PETITION
Filed: May 29, 2007	:	
Attorney Docket No. KON-2172	:	

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**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 20, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 21, 2009. A Notice of Abandonment was mailed November 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 2822 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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27 AUG 2007

R. Brian McCaslin
Foley & Lardner, LLP
111 Huntington Avenue, 26th Floor
Boston, MA 02199

In re Application of	:	
SOWERBY, et al.	:	DECISION ON PETITION
Serial No.: 11/720,387	:	
PCT No.: PCT/NZ04/00311	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 30 November 2004	:	
Priority Date: 30 November 2004	:	
Atty Docket No.: 061967-0104	:	
For: METHOD OF SAMPLE ANALYSIS AND	:	
APPARATUS THEREOF	:	

This decision is in response to the petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 14 August 2007 to accept the application without the signatures of inventors Stephen J. Sowerby and Murray Frederick Broom.

BACKGROUND

On 30 November 2004, applicant filed international application PCT/NZ04/00311. A copy of the international application was transmitted from the International Bureau (IB) to the USPTO on Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 May 2007.

On 29 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1). An oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 14 August 2007, applicant filed the petition considered herein.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied items (1)-(3), and (5)-(6).

As to item (4), the filed declaration does not comply with 37 CFR 1.497(a)-(b). Applicant

needs to file a declaration executed by an authorized officer of the assignee, Global Technologies (NZ) Limited on behalf of the corporation and on behalf of the non-signing inventors. The declaration must detail the signing individual's title and right to execute the declaration on behalf of the corporation. As explained in the Manual of Patent Examining Procedure at § 409.03(b):

> Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).
>
> (B) The 37 CFR 1.47(b) applicant must state his or her relationship to the inventor as required by 37 CFR 1.64.

The filed declaration does not provide this information.

In addition, while counsel declares in the filed petition that, "A declaration complying with 37 C.F.R. § 1.63 executed by Margaret Susan Caldwell, the Company Manager of the Assignee, Global Technologies (NZ) Limited, is included herewith" if fact, the filed declaration was executed by counsel. This is improper.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

0 1 OCT 2007

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R. Brian McCaslin
Foley & Lardner, LLP
111 Huntington Avenue, 26th Floor
Boston, MA 02199

In re Application of	:	
SOWERBY, et al.	:	DECISION ON RENEWED
Serial No.: 11/720,387	:	
PCT No.: PCT/NZ04/00311	:	PETITION UNDER
Int. Filing Date: 30 November 2004	:	
Priority Date: 30 November 2004	:	37 CFR 1.47(b)
Atty Docket No.: 061967-0104	:	
For: METHOD OF SAMPLE ANALYSIS AND	:	
APPARATUS THEREOF	:	

This decision is in response to the renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 11 September 2007 to accept the application without the signatures of inventors Stephen J. Sowerby and Murray Frederick Broom.

BACKGROUND

On 27 August 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 11 September 2007, applicant filed the petition considered herein.

DISCUSSION

As detailed in the decision mailed 27 August 2007, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1)-(3), and (5)-(6).

As to item (4), a review of the presently filed declaration finds that it is in compliance with 37 CFR 1.497(a)-(b). MPEP section 409.03(b) explains that a registered attorney may executed the declaration on behalf of the corporate entity if the authority to do so is given in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. In the

present case, counsel has provided a statement that he is authorized to execute documents on behalf of Global Technologies (NZ) Limited. In addition, counsel has provided the relationship to the inventors, as well as, his residence, citizenship and mailing information. As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 30 November 2004 under 35 U.S.C. 363, and will be given a date of **11 September 2007** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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

2 6 SEP 2008

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CANTOR COLBURN, LLP
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In re Application of	:	
KIM, et al.	:	DECISION ON PETITION
U.S. Application No.: 11/720,397	:	
PCT No.: PCT/KR05/01218	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 27 April 2005	:	
Priority Date: 26 November 2004	:	
Atty Docket No.: YOM-0471	:	
For: ROBOT SYSTEM BASED ON NETWORK	:	
AND EXECUTION METHOD OF THAT	:	
SYSTEM	:	

This decision is in response to applicant's "Request to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(a) Including a New Declaration" filed 30 June 2008 in the United States Patent and Trademark Office (USPTO). The request is being considered under 37 CFR 1.497(d).

BACKGROUND

On 27 April 2005, applicant filed international application PCT/KR05/01218, which claimed priority of an earlier application filed 26 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 June 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 May 2007.

On 29 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and a preliminary amendment.

On 28 March 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 30 June 2008, applicant responded with the present petition accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee. As such, the response is considered timely filed.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided statements from Nam-Shik Park and Seong-Il Jin declaring that the errors in inventorship occurred without deceptive intent.

Regarding Item (2), has filed a combined declaration and power of attorney executed by the inventors listed on the published international application minus Nam-Shik Park and Seong-Il Jin.

As Item (3), applicant has provided a petition fee payment of $130.00.

Regarding Item (4), applicant has provided a statement from the assignees consenting to the removal of Nam-Shik Park and Seong-Il Jin as inventors in the present application.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 27 April 2005 and will be given a date of **30 June 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision

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

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Kenji Yoneda	: DECISION ON REQUEST FOR
Patent Number	: 7618156	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/720,420	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/09/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **108** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

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In re Application of	:	
Bernard Thomas Windauer, et al.	:	
Application No. 11/720,426	:	DECISION ON PETITION
Filed: May 29, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 133.0002US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 6, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by applicant's William T. McDonald and Ted Clayton Almegren. 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 Office of Patent Application Processing for processing. This application will be accorded "special" status once pre-examination processing is done.

April Wise

April M. Wise
Petitions Examiner
Office of Petitions

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PERKINS COLE LLP
101 JEFFERSON DRIVE
MENLO PARK CA 94025

In re Application of	:	
STERNER	:	
U.S. Application No. 11/720,432	:	
PCT No.: PCT/US05/43253	:	
Int. Filing Date: 29 November 2005	:	DECISION
Priority Date: 29 November 2004	:	
Attorney Docket No.: 58689-8010.US01	:	
For: SYSTEM AND METHOD FOR BASE STATION HEAT DISSIPATION USING CHIMNEYS	:	

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

BACKGROUND

On 29 November 2005, applicant filed international application No. PCT/US05/43253, which claimed a priority date of 29 November 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 29 May 2007.

On 29 May 2007, applicant filed, through the law firm of Perkins Cole LLP, a transmittal letter for entry into the national stage in the United States (Form PTO-1390) which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying international application no. PCT/US05/43253, was assigned U.S. application number 11/720,432.

On 27 March 2007, applicant filed, through the law firm of Perkins Cole LLP, a second transmittal letter for entry into the national stage in the United States referencing the international application PCT/US05/43253, which was accompanied by, *inter alia*, authorization to charge the deposit account $1,180 for the basic nationnal fee. These papers were assigned U.S. application number 11/720,433.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/US05/43253 (United

States application numbers 11/720,432 and 11/720,433). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 11/720,432 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 11/720,432 is the application file that will continue to be processed as the national stage of PCT/US05/43253. The second set of national stage materials filed on 29 May 2007 and originally assigned U.S. application number 11/720,433 will be placed in the present application file, and U.S. application number 11/720,433 will be discontinued.

Applicants should use application number 11/720,432 in all future communications with the United States Patent and Trademark Office (PTO). Application number 11/720,433 will be discontinued.

CONCLUSION

Application no. 11/720,432 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 11/720,433 into U.S. Application no. 11/720,432; and (2) issue a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Application number 11/720,433 will be discontinued. No fees were charged in discontinued U.S. application number 11/720,433; thus, no refund is necessary.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3286
Facsimile: 571-273-0459

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25006
GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
P.O. Box 7021
Troy, MI 48007-7201

In re Application of VOEGELI, Fridoliln Application No.: 11/720,491 PCT No.: PCT/IB2005/003616 Int. Filing Date: 30 November 2005 Priority Date: 30 November 2004 Attorney's Docket No.: VOE-10202/03 For: SYSTEM AND METHOD FOR RAPID AND SECURE INTRODUCTION OF NEW DRUGS, MEDICATIONS AND THERAPIES, FROM CLINICAL TRIALS INTO GENERAL HEALTHCARE	**DECISION**

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 30 May 2007, applicant filed papers using the EFS-Web system to enter the national stage of PCT/IB2005/003616 which was accompanied by, *inter alia*, authorization to pay the required fees to a credit card and charge any additional fees or credit any additional fees to Deposit Account No. 07-1180. This application was given U.S. application number 11/720,491. Applicant resubmitted this application using the EFS-Web system a few minutes later. The second filing was treated as a separate national stage application for PCT/IB2005/003616 and was denoted as U.S. application number 11/720,485.

On 01 June 2007, applicants filed a "Petition Under 37 CFR 1.181 to Obtain a Refund for Unintended, Duplicate Application Filed Via EFS-WEB."

DISCUSSION

The undersigned contacted applicant regarding the duplicate national stage applications filed on 30 May 2007. Applicant verified that the second national stage filing was done by mistake which was caused by confusion from a message received from the EFS-Web system that the credit card payment was not accepted. Applicants attempted to file the same application again, "not knowing that the credit card charge

and resultant filing had been accepted by the Patent Office."

Applicant "seeks express abandonment of the duplicate application, Serial No. 11/720,485 as of the date of filing of this Petition and a refund of the filing fees associated therewith."

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/IB2005/003616. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/IB2005/003616.

No fees were charged in U.S. application No. 11/720,485. As such, a refund is not warranted.

Applicants must use only U.S. application No. **11/720,491** for all correspondence to the national stage application of PCT/IB2005/003616. Applicants are advised that U.S. application No. 11/720,485 is no longer a valid U.S. National stage application

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

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In re Application of	:	
Damian Jonathon Stockton	:	
Application No. 11/720,495	:	ON PETITION
Filed: May 30, 2007	:	
Attorney Docket No. **JHN-5356-2**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 28, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 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 corrected formal drawings , (2) the petition fee of $810; 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 the Office of Data Management for appropriate action in the normal course of business on the reply received.

JoAnne Burke
Petitions Examiner
Office of Petitions

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TECHNOLOGY CENTER 2600

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WASHINGTON DC 20037

In re Application of YAGYUU, TOMOHIKO Application No. 11/720,517 Filed: May 30, 2007 Attorney Docket No. Q101889	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 18, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

Petitioner has not complied with items 1-3 and 5 above. The instant application claims priority to JP 2004-346360, filed November 30, 2004. The request for participation in the patent prosecution highway program indicates the priority claim is to JP 2006-520441.

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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WASHINGTON DC 20037

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APR 15 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
YAGYUU, TOMOHIKO	:	DECISION ON REQUEST TO
Application No. 11/720,517	:	PARTICIPATE IN PATENT
Filed: May 30, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. Q101889	:	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 March 30, 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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WATERS INVESTMENTS LIMITED
C/O WATERS CORPORATION
34 MAPLE STREET - LG
MILFORD MA 01757

In re Application of	:	
BATEMAND, Robert Harlod et al.	:	
Application No.: 11/720,520	:	
PCT No.: PCT/GB2005/004627	:	
Int. Filing Date: 02 December 2005	:	DECISION
Priority Date: 02 December 2004	:	
Attorney Docket No.: M-1395-02	:	
For: MASS SPECTROMETER	:	

This decision is in response to applicants' submission of a declaration of the inventors, filed with the United States Patent and Trademark Office on 01 November 2007.

BACKGROUND

On 23 October 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 01 November 2007, applicants submitted a declaration of the inventors.

DISCUSSION

The inventorship in an international application is set during the international phase. The inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. The international application lists the first named inventor as "Robert Harlod Bateman,"and the third named inventor as "Steven Derek Prince". The declaration lists the first named inventor as "Robert Harold Bateman" and the third named inventor as "Steven Derek Pringle". The Office does not have a record of the recordings of these changes under PCT Rule 92*bis*. If the first error is the result of a typographical or transliteration error, it can be corrected by a statement under MPEP 201.03 stating either that it was a typographical or a transliteration error and specifying the correct name. However, the second naming discrepancy if in error in the international application, is a different name. A petition under 37 CFR 1.182, as set out in MPEP 605.04(c) would be required.

CONCLUSION

A proper response is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal

Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

1 3 FEB 2009

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Waters Technologies Corporation
c/o Waters Corporation
34 Maple Street - LG
Milford, MA 01757

In re Application of	:	
BATEMAN et al.	:	
Application No.: 11/720,520	:	DECISION ON REQUEST
PCT No.: PCT/GB05/04627	:	
Int. Filing Date: 02 December 2005	:	
Priority Date: 02 December 2004	:	
Attorney Docket No.: M-1395-02	:	
For: MASS SPECTROMETER		

This decision is issued in response to applicants' "Notification regarding Typographical or Copying Errors in Names of Inventors Introduced Due to Fault of the International Bureau During International Phase" filed 10 July 2008. Applicants are notifying the United States Patent and Trademark Office that the names of the first and third inventor are Robert Harold Bateman and Steven Derek Pringle as indicated on the declaration rather than Robert Harlod Bateman and Steven Derek Prince as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Applicants state in the present petition that, "[t]he publication of the International Application . . . incorrectly spelled of the inventors' names as Robert Harlod Bateman and Steven Derek Prince . . . however, the inventorship named in Applicants' (PCT) Request (PCT/RO/101) in the international application and in the declaration is identical; the International Bureau introduced the spelling errors in the names of the inventors." A review of "Corrected Version (WO/2006/059123)" of the international application reveals that the names of the first and third inventor are Robert Harold Bateman and Steven Derek Pringle. Therefore, the declaration filed on 01 November 2007 is acceptable under 37 CFR 1.497(a)-(b) and applicants' petition under 37 CFR 1.181 is appropriately **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 01 November 2007.

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

20 MAY 2008

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

In re Application of	:	
BAUMOEL	:	
Application No.: 11/720,527	:	
PCT No.: PCT/US05/43612	:	DECISION ON PETITION
Int. Filing Date: 02 December 2005	:	
Priority Date: 02 December 2004	:	UNDER 37 CFR 1.47(b)
Atty Docket No.: 2006P15170WOUS	:	
For: SYSTEM AND METHOD FOR FLOW PROFILE	:	
CALIBRATION CORRECTION FOR ULTRA-	:	
SONIC FLOWMETERS	:	

This decision is in response to the "Petition And Declaration Under 37 CFR 1.47(b) For Filing by Other Than The Inventor" filed 03 April 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 December 2005, applicant filed international application PCT/US05/43612, which claimed a priority date of 02 December 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 02 June 2007.

On 31 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 19 February 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 03 April 2008, applicant responded with the present petition.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or

cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied items (1) and (3).

Regarding item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case, it appears that the inventor was merely presented with the declaration and power of attorney for execution. As shown, above this is insufficient for proceeding with the interpretation of the inventor's subsequent silence as a refusal.

As to item (4), applicant has not provided an executed oath or declaration. 37 CFR 1.497(a)(1) requires the filing of a signed oath or declaration while 37 CFR 1.497(b)(2) states that, "[I]f the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state." Applicant has merely filed a copy of the unsigned declaration apparently forwarded to the non-signing inventor.

Regarding item (5), the Manual of Patent Examining Procedure (MPEP) section 409.03(f) provides that:

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that

(A) the invention has been assigned to the applicant, or

(B) the inventor has agreed in writing to assign the invention to the applicant, or

(C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Applicant has submitted paperwork purporting to show a proprietary interest by the petitioning party. However, applicant has not provided the requisite legal memorandum to support the position that the sale detailed in applicant's exhibit (specifically as it relates to PCT/US05/43612) confers on applicant a proprietary interest in the above-captioned U.S. National stage entry.

Regarding item (6), applicant has not provided a statement that proceeding pursuant to 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable damages.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

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

In re Application of	:	
BAUMOEL	:	
Application No.: 11/720,527	:	
PCT No.: PCT/US05/43612	:	DECISION ON PETITION
Int. Filing Date: 02 December 2005	:	
Priority Date: 02 December 2004	:	UNDER 37 CFR 1.47(b)
Atty Docket No.: 2006P15170WOUS	:	
For: SYSTEM AND METHOD FOR FLOW PROFILE CALIBRATION CORRECTION FOR ULTRA-SONIC FLOWMETERS	:	

This decision is in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 15 July 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 May 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 15 July 2008, applicant responded with the present renewed petition.

DISCUSSION

As detailed in the decision mailed 20 May 2008, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1) and (3).

With the filing of the present renewed petition and supporting documents applicant has satisfied items (2), (5) and (6).

Regarding item (4), applicant has provided a combined declaration and power of attorney. However, the document does not satisfy the requirements of 37 CFR 1/497(a)-(b). The document has been signed by Mr. Jose R. De la Rosa, however, the declaration does not state the

relationship of Mr. De la Rosa to the non-signing inventor. (37 CFR 1.497(b)(2). Nor is it apparent from the document that Mr. De la Rosa is authorized to execute legal documents on behalf of Siemens Energy & Automation, Inc., such as a self-certification statement. See MPEP 409.03(b) which states in part:

Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. **Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation.**

In light of the above, it is not possible to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

07 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
BAUMOEL	:	
Application No.: 11/720,527	:	
PCT No.: PCT/US05/43612	:	DECISION ON PETITION
Int. Filing Date: 02 December 2005	:	
Priority Date: 02 December 2004	:	UNDER 37 CFR 1.47(b)
Atty Docket No.: 2006P15170WOUS	:	
For: SYSTEM AND METHOD FOR FLOW PROFILE	:	
CALIBRATION CORRECTION FOR ULTRA-	:	
SONIC FLOWMETERS	:	

This decision is in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 24 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 September 2008, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 24 September 2008, applicant responded with the present renewed petition.

DISCUSSION

As detailed in the decision mailed 20 May 2008, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1)-(3) and (5)-(6).

Pursuant to MPEP 409.03(b), applicant has presently provided a signed statement from Mr. Jose R. De la Rosa, self-certifying that he is authorized to sign legal documents on behalf of Siemens Energy & Automation, thus perfecting the executed declaration filed 15 July 2008. Applicant has now satisfied all of the 37 CFR 1.47(b) requirements and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 02 December 2005 under 35 U.S.C. 363, and will be given a date of **15 July 2008** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
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Office of PCT Legal Administration
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Fax: (571) 273-0459

07 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Mr. Joseph Baumoel
104 Fairway View Drive, The Hamlet
Commack, NY 11725

In re Application of
BAUMOEL
Application No.: 11/720,527
PCT No.: PCT/US05/43612
Int. Filing Date: 02 December 2005
Priority Date: 02 December 2004
Atty Docket No.: 2006P15170WOUS
For: SYSTEM AND METHOD FOR FLOW PROFILE CALIBRATION CORRECTION FOR ULTRA-SONIC FLOWMETERS

Dear Mr. Baumoel:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Mr. Jose R. De la Rosa, Esq.
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 04/21/2010

Applicant	: Joseph Baumoel	: DECISION ON REQUEST FOR
Patent Number	: 7643947	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/720,527	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

03 APR 2008

23579
Patrea L. Pabst
PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, GA 30361

In re Application of EDWARDS *et al* U.S. Application No.: 11/720,595 PCT No.: PCT/US2005/037484 Int. Filing Date: 19 October 2005 Priority Date: 29 October 2004 Attorney Docket No.: HAR 2431 For: PARTICLES FOR TREATMENT OF PULMONARY INFECTION	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 31 May 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration pursuant to PCT Rule 4.17(iv) and in compliance with 37 CFR 1.497(a) and (b) was filed in the international application.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of Robin Jac Harris Application No. 11/720,626 Filed: June 1, 2007 Attorney Docket No. WIS-23802/01	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 9, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 4, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 5, 2009.

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

In view of the above, the petition is **GRANTED**.

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

This application is being referred to Technology Center AU 3617 for appropriate action by the Examiner in the normal course of business on the reply received June 9, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

2 2 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

In re Application of O'MAHONY et al. Serial No.: 11/720,663 PCT App. No.: PCT/CH05/00649 Int'l Filing Date: 07 November 2005 Priority Date: 15 November 2004 Attorney Docket No.: 4060 For: METHOD FOR REMOVING BACTERIA FROM A FERMENTATION BROTH	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 01 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals the basic national fee has been paid. A declaration, in compliance with 37 CFR 1.497(a) and (b), was provided and is acceptable. The required petition fee of $750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The $65 surcharge for filing the declaration after the thirty month period is required and will be charged to applicant's deposit account per his authorization. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **01 June 2007.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone:(571) 272-3286
Facsimile: (571) 273-0459

09/21/2009 SBASHEIR 00000006 194675 11720663
01 FC:2617 65.00 DA

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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Katsumi Imada, et al.	:	
Application No. 11/720,684	:	DECISION ON PETITION
Filed: June 1, 2007	:	
Attorney Docket No. 10873.2065USWO	:	

This is a decision on the petition, filed January 5, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before December 3, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed September 3, 2009.

Petitioner states that a timely reply was mailed via certificate of transmission on October 28, 2009, which included the following papers: issue fee transmittal and authorization to charge the issue and publication fee. Petitioner has submitted a copy of the previously faxed correspondence, which bears a certificate of transmission dated October 28, 2009, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of September 3, 2009 is hereby **withdrawn** and the application **restored** to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on October 28, 2009.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for further processing of the reply received in accordance with this decision on petition.

/Carl Friedman/
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/720,711	08/01/2007	Kazuhiro Shimizu	115990-007	2042

7590 02/18/2009
BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO, IL 60690

EXAMINER
NGUYEN, DONGHAI D

ART UNIT	PAPER NUMBER
3729	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/720,712		Shigeo Kubota	112857-766	2053

7590 02/27/2009
BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
02/27/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/720,743	08/22/2007	Eric Winn	31105-2	2402

21130 7590 04/08/2010
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
ATTN: IP DEPARTMENT DOCKET CLERK
200 PUBLIC SQUARE
SUITE 2300
CLEVELAND, OH 44114-2378

EXAMINER
COX, ALEXIS K

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
04/08/2010	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):

patent@beneschlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
ATTN: IP DEPARTMENT DOCKET CLERK
200 PUBLIC SQUARE
SUITE 2300
CLEVELAND OH 44114-2378

In re Application of	:
WINN, ERIC	: DECISION ON REQUEST TO
Application No. 11/720,743	: PARTICIPATE IN PATENT
Filed: August 22, 2007	: PROSECUTION HIGHWAY
Attorney Docket No. 31105-2	: PILOT PROGRAM AND PETITION
For: ASSEMBLY FOR SAVING WATER	: 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) pilot program under 37 CFR 1.102(d), filed April 6, 2010, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU 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 IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU 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 Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3744, 571-272-6681.

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

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

18 JUL 2008

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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

In re Application of:	:	
CLAYDON, Paul, et al.	:	
U.S. Application No.: 11/720,764	:	DECISION ON PETITION
PCT Application No.: PCT/EP2005/056600	:	(37 CFR 1.182)
International Filing Date: 08 December 2005	:	
Priority Date: 09 December 2004	:	
Attorney's Docket No.: CCK-0268US	:	
For: METHOD OF AND APPARATUS	:	
FOR FORMING A CLOSURE	:	

This decision is issued in response to applicant's "Correction Of Priority Claim" filed 04 June 2007, treated herein as a petition under 37 CFR 1.182. Pursuant to the authorization contained in the Form PTO-1390 filed 04 June 2007, Deposit Account No. 50-0462 will be charged the required $400 petition fee.

BACKGROUND

On 08 December 2005, applicants filed international application PCT/EP2005/056600. The international application claimed a priority date of 09 December 2004, and it designated the United States. On 15 June 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 09 June 2007.

On 04 June 2007, applicants filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an executed declaration, an application data sheet (ADS), a preliminary amendment, and payment of the basic national fee.

The Transmittal Letter and ADS specifically identified the international application number as PCT/EP2005/061411. The bibliographic information provided by applicants during the electronic filing process also identified the international application number as PCT/EP2006/061411. However, the declaration filed by applicants executed international application PCT/EP2005/056600.

In a separate submission filed by applicants later on 04 June 2007, applicants filed the "Correction Of Priority Claim" considered herein as a petition under 37 CFR 1.182,

accompanied by a revised Transmittal Letter (Form PTO-1390) and ADS. The submission indicates that the listing of international application number PCT/EP2005/061411 in the original national stage submission was the result of a clerical error, and it requests correction of the applicable international application number to PCT/EP2005/056600.

DISCUSSION

As set forth above, the Form PTO-1390 and ADS filed by applicants to initiate this international application, as well as the data entered by applicants during the electronic filing process, all incorrectly identified the international application to which the present national stage filing was directed. Based on the information provided by applicants, the present application was established in the USPTO as the U.S. national stage of PCT/EP2005/061411.

Correction of the incorrect international application number provided by applicant in the original application submission is required before the materials filed 04 June 2007 can be treated as having been directed to international application PCT/EP2005/056600, as necessary to avoid abandonment of this international application with respect to the United States. The correction of such an error by applicants requires a grantable petition under 37 CFR 1.182. Accordingly, applicants' "Correction Of Priority Claim," which requests correction of the international application number, has been treated as such a petition.

The petition confirms that the identification of international application number PCT/EP2005/0614110 in the original application papers and during the electronic filing process was the result of a clerical error, and that the correct international application herein is PCT/EP2005/056600. A review of the materials included with the original application submission confirms that the correct international application number was indicated therein (specifically, on the declaration). In addition, applicants have provided the authorization to charge Deposit Account No. 50-0462 for required fees; based on this authorization, applicants will be charged the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number identified in the original application papers and during the electronic filing process. Accordingly, the materials filed herein on 04 June 2007 will be treated as directed to international application PCT/EP2005/056600.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 04 June 2007 will be treated as the U.S. national stage of PCT/EP2005/056600.

Deposit Account No. 50-0462 will be charged the required $400 petition fee.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 04 June 2007.

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

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2 9 SEP 2009

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50670
DAVIS WRIGHT TREMAINE LLP
865 Figueroa Street
Suite 2400
Los Angeles, CA 90017-2566

In re Application of :
TARGEN *et al* :
U.S. Application No.: 11/720,785 :
PCT No.: PCT/US2005/044335 :
Int. Filing Date: 08 December 2005 : **DECISION**
Priority Date: 08 December 2004 :
Attorney's Docket No.: 67789-793 :
For: METHODS FOR THE DIAGNOSIS AND :
TREATMENT OF CROHN'S DISEASE :

This is a decision on the request to delete an inventor filed 17 September 2007 which is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 17 September 2007, applicants submitted a declaration executed by two of the three named inventors which was accompanied by, *inter alia*, a petition to correct the inventorship; a statement by the inventor being removed; a statement by the assignee; a copy of an assignment and a statement under 37 CFR 3.73(b); and an executed declaration.

DISCUSSION

Applicants request to remove Huiying Yang as an inventor in the above-captioned national stage application of PCT/US2005/044335.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)).

37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being . . . deleted as an inventor that any error in inventorship in the international application occurred without

deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants provided a statement from the inventor being removed. The processing fee of $130.00 has been paid. Applicants also submitted the written consent of the assignee, Cedars-Sinai Medical Center. The consent of assignee was signed by Peter E. Braveman as Senior Vice President for Legal Affairs and General Counsel. A copy of the recorded assignment was provided along with a statement under 37 CFR 3.73(b) executed by Mr. Bravemen who asserts that he is authorized to act on behalf of the assignee.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to remove Huiying Yang as an inventor in the above-captioned application is **GRANTED**.

The declaration filed 17 September 2007 is in compliance with 37 CFR 1.497(a) and (b).

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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TECHNOLOGY CENTER 2600

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
HAYASHI, JUNICHI	:	DECISION ON REQUEST TO
Application No. 11/720,958	:	PARTICIPATE IN PATENT
Filed: June 06, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 03500.112592.	:	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 May 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

0 2 APR 2008

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Wood, Herron & Evans, LLP
2700 Carew Tower
441 Vine Street, Suite 2700
Cincinnati, OH 45202

In re Application of: VERL, Alexander Application No.: 11/720,982 PCT No.: PCT/EP05/04921 Int. Filing Date: 06 May 2005 Priority Date: 17 May 2004 Attorney Docket No.: KUKR-11 For: METHOD FOR ROBOT-ASSISTED MEASUREMENT OF MEASURABLE OBJECTS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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

2 3 JUN 2009

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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	
VAN DAL et al.	:	
Application No.: 11/721,039	:	DECISION
PCT No.: PCT/IB2005/054046	:	
Int. Filing Date: 05 December 2005	:	
Priority Date: 06 December 2004	:	
Attorney Docket No.: NL04 1349 US1	:	
For: METHOD OF MANUFACTURING A	:	
SEMICONDUCTOR DEVICE AND SEMICONDUCTOR	:	
DEVICE OBTAINED BY USING SUCH A METHOD	:	

This is a decision on applicants' petition under 37 CFR 1.182 filed on 19 March 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 December 2005, applicants filed international application PCT/IB2005/054046, which designated the United States and claimed a priority date of 06 December 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 15 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 June 2007.

On 06 June 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 September 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 19 March 2009, applicants filed the instant submission which includes, inter alia, a declaration of inventors, a petition under 37 CFR 1.182 and a petition/fee for a four-month extension of time.

DISCUSSION

The petition fee of $400 has been charged to Deposit Account 50-4019. The submission filed 19 March 2009 concerning the name of the first-named inventor explains the difference in the inventor's name as set forth in the international application (Mark J. H. VAN DAL) and the declaration of inventors filed 19 March 2009 (Marcus Johannes Henricus VAN DAL) and that the name on the declaration is the desired name. The statement from Mr. VAN DAL is sufficient.

A new Application Data Sheet including Mr. VAN DAL's name as it appears on the declaration of inventors filed 19 March 2008 is required.

Declaration of Inventors

The declaration of inventors filed 19 March 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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11 MAR 2009

PAUL AND PAUL
2000 MARKET STREET
SUITE 2900
PHILADELPHIA PA 19103

In re Application of: STRASHEIM	:	
U.S. Application No.: 11/721,071	:	
PCT Application No.: PCT/US2005/046456	:	
Int. Filing Date: 22 December 2005	:	DECISION
Priority Date: 29 December 2004	:	
Atty Docket No.: 174-07	:	
For: MULTI-PURPOSE CIGAR TOOL	:	
	:	

This is in response to applicant's "Petition to Correct the Record" filed 02 October 2008, which is being treated under 37 CFR 1.182.

BACKGROUND

On 22 December 2005, applicant filed international application PCT/US2005/046456, which claimed priority of an earlier United States application filed 29 December 2004. The thirty-month period for paying the basic national fee in the United States expired on 29 May 2007.

On 07 June 2007, applicant filed national stage papers in the United States Designated Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371 (c)(1).

DISCUSSION

The transmittal letter accompanying this submission noted the international application number as "PCT/05/46456". Thus, the country code of the international application was inadvertently omitted. Applicant indicates that a declaration was filed on the same day and this submission indicated the correct international application number as "PCT/US05/46456". Applicant also requests a filing receipt. The petition fee of $400 has been charged to deposit account #16-0750.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

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

/Katherine Moran/
PCT Special Programs, Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

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OFFICE OF PETITIONS

In re Application of	:	
Richard Damon Goodman ROBERTS	:	
Application No. 11/721,083	:	DECISION GRANTING PETITION
Filed: June 7, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **CHAP002-US**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 1, 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 August 26, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2874 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/721,107	06/07/2007	Vladimir Mikheev	126997.0105	6416

7590 11/25/2009

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER
ALI, MOHAMMAD M

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
11/25/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

In re Application of:
Weichao
Application No.: 11/721,126
PCT Appln. No.: PCT/CN2006/001392
Int. Filing Date: 20 June 2006
Priority Date: 24 January 2006
Attorney Docket No.: 025598-000001
For: Weighing Sensor For An Electronic Scale And An Electronic Scale

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 23 October 2009.

BACKGROUND

International application PCT/CN2006/001392 was filed on 20 June 2006, claimed an earliest priority date of 24 January 2006, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 02 August 2007. The 30 month period for payment of the basic national fee in the U.S. ended as of midnight on 24 July 2008. On 07 June 2007, applicants filed *inter alia* a basic fee in 11/721,126.

On 29 July 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicant, reflecting a date under 35 U.S.C. 371(c)(1), (2) and (4) of "06/08/2007."

DISCUSSION

The petition states that

> Applicant filed the above-referenced application as a national stage entry under 35 U.S.C. § 371, but such filing should have been made under 35 USC 111(a) as a continuation-in-part application. Applicant files this Petition to request that the Office generate an application under 35 U.S.C. § 111(a) based on the following materials previously filed by Applicant in US Application No. 11/721,126: – Specification and claims filed on June 7, 2007, and – Priority claim ("Statement of Related Application") and Replacement Sheets 1-7 of Drawings from Preliminary Amendment filed on June 8, 2007.

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). 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.

To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.

Alternatively, one of the following indications may be used:

1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

Inspection of the correspondence filed on 07 June 2007 reveals that the Transmittal Letter identified the accompanying papers and fees as directed toward the national stage under 35 U.S.C. 371 of PCT/CN2006/001392. The Transmittal Letter specifically indicated that the basic national fee was being paid. The related Electronic Acknowledgment Receipt indicates that the correspondence was filed as a national stage under 35 U.S.C. 371. These indicia constituted instructions that processing under 35 U.S.C. 371 was desired, and no contrary instructions requesting processing under 35 U.S.C. 111(a) appear to have been present on 07 June 2006. Therefore, the submission was properly processed under 35 U.S.C. 371.

Counsel requests that this application, intended as a continuation-in-part, be converted to an application under 35 U.S.C. 111(a). The situation presented in the instant case is analogous to the filing of a similar preliminary amendment or substitute specification in a request for a CPA or RCE, as discussed at MPEP 201.06(d). As such, it would not be appropriate convert this application. Instead, under these circumstances, petitioner is required to file a petition under 37 CFR 1.182 identifying and requesting removal from the present application file of the specific "disclosure materials that differ from" those present in the international application, and requesting treatment of said materials being removed as a new (CIP) application filed under 35 U.S.C. 111(a). Any such petition should be accompanied by the appropriate filing fee payment for the application as filed under 35 U.S.C. 111(a), as well as any application papers which would be required to create a complete application file (e.g., specification, claims and drawings) for the 35 U.S.C. 111(a) application.

In the instant case, applicant has filed such a petition under 37 CFR 1.182, identifying the specific papers filed on 07 June 2007 which are to be used in the newly-created application under 35 U.S.C. 111(a) and providing a fee authorization. As such, it would be appropriate to grant the requested relief under 37 CFR 1.182.

The new application under 35 U.S.C. 111(a) has an application number of 12/653,674. All further correspondence related to the CIP application should be directed to that application number. The instant application (11/721,126) will continue to be processed under 35 U.S.C. 371.

Any period of adjustment to the term of a patent under 35 U.S.C. 154(b)(May 29, 2000) in either application No. 11/721,126 or application No. 12/653,674 may be reduced by the period of time beginning on the filing date accorded under 35 U.S.C. 111 and ending on the mailing date of this decision. See 37 CFR 1.704(a).

Petitioner requests that "upon grant [of the petition under 37 CFR 1.182... the Office consider and grant the concurrently filed Petition Under 37 CFR 1.78." The petition under 37

CFR 1.78 is being treated separately, and the decision thereon will be mailed under separate cover.

DECISION

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

This application (11/721,126) is being returned to the Office of Patent Publications.

The status of this application is unchanged, and it will continue to be processed pursuant to 35 U.S.C. 371.

A copy of this Decision is being placed in newly-created 35 U.S.C. 111(a) application no. 12/653,674.

Application 12/653,674 is being forwarded to the Office of Patent Application Processing for processing under 35 U.S.C. 111(a).

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

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WORKMAN NYDEGGER/Leica
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/20/2010

Applicant	: Knut Siercks	: DECISION ON REQUEST FOR
Patent Number	: 7586585	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/721,154	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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1 7 AUG 2009

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:	
LACOMBE et al.	:	
Application No.: 11/721,189	:	DECISION
PCT No.: PCT/NL2005/000824	:	
Int. Filing Date: 01 December 2005	:	
Priority Date: 08 December 2004	:	
Attorney's Docket No.: 570-61 PCT/US	:	
For: LABELED TRANSITION METAL COMPLEXES	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 16 June 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 December 2005, applicants filed international application PCT/NL2005/000824, which designated the U.S. and claimed a priority date of 08 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 June 2007.

On 08 June 2007, applicants filed a submission for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 10 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED (Form PCT/DO/EO/912) indicating that the basic national fee of $165 was required.

On 16 June 2009, applicants filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the basic national fee was submitted on 16 June 2009.

As to item (2), applicants submitted the petition fee on 16 June 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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19 JAN 2010

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25883
HOWISON & ARNOTT, L.L.P
P.O. Box 74175
Dallas, TX 75374-1715

In re Application of
O'DONOGHUE, Victoria
U.S. Application No.: 11/721,195
PCT No.: PCT/GB2005/004736
Int. Filing Date: 09 December 2005
Priority Date: 09 December 2004
Attorney's Docket No.: MGTD-28,332
For: COMMUNICATIONS SYSTEM

DECISION

This is a decision on the request to add an inventor and remove an inventor under 37 C.F.R. 1.497(d) filed on 05 November 2009.

BACKGROUND

On 09 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicant was given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 26 August 2009, applicant submitted a response which included a declaration along with a one-month extension and fee.

On 18 September 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 26 August 2009 was not in compliance with 37 CFR 1.497(a) and (b) because the inventors listed did not match the inventors recorded on the international publication. Applicant was given one month to respond, or any remaining in the Form PCT/DO/EO/905.

On 05 November 2009, applicant filed the subject petition which was accompanied by, *inter alia*, the surcharge fee; the processing fee; a statement by the inventor being added; a statement by the inventor being removed; and authorization to charge any required fee to Deposit Account No. 20/0780.

DISCUSSION

It is first noted that the response filed 05 November 2009 was after the one-month period given by the Form PCT/DO/EO/916. Accordingly, a three-month extension fee (small entity) pursuant to 37 CFR 1.136(a) has been charged to Deposit Account No. 20/0780 as authorized.

Applicant requests to add Dean John William Corrigan as the inventor in the above-captioned application and remove Victoria O'Donoghue. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicant filed the required statements by the inventor being added and the inventor being removed. Both statements indicate that the error in inventorship occurred without any deceptive intent. The processing fee of $130.00 has been paid. Applicant states that no assignee has been executed. All the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicant's request under 37 CFR 1.497(d) to add Dean John William Corrigan as an inventor and remove Victoria O'Donoghue is **GRANTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 December 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 26 August 2009.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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29 APR 2008

58342
RENNER, OTTO, BOISSELLE & SKYLAR, LLP
1621 Euclid Avenue
19th Floor
Cleveland, OH 44115

In re Application of ANGELHAG *et al* U.S. Application No.: 11/721,215 PCT No.: PCT/EP2005/056676 Int. Filing Date: 12 December 2005 Priority Date: 20 December 2004 Attorney's Docket No.: SALBP0142US For: SYSTEM AND METHOD FOR SHARING MEDIA DATA	:	**DECISION**

This is a decision on the request to add an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) filed 08 June 2007.

BACKGROUND

On 08 June 2007, applicants submitted papers to enter the national stage of PCT/EP2005/056676 which was accompanied by, *inter alia*, a declaration signed by two inventors and a "Statement of Added Inventor Under 37 CFR §1.497."

On 29 August 2007, applicants submitted a copy of a Notification of the Recording of a Change (Form PCT/IB/306) for PCT/EP2005/056676.

DISCUSSION

Applicants request to add Mr. Magnus Hultberg as an inventor in the above-captioned national stage application.

A review of the underlying international application PCT/EP2005/056676 shows that Mr. Hultberg was added as an inventor pursuant to PCT Rule 92*bis*. The International Bureau mailed a Notification of the Recording of a Change (Form PCT/IB/306) on 25 June 2007 adding Mr. Hultberg as inventor in the international application. Moreover, a review of the WIPO records for PCT/EP2005/056676 verify that Mr. Hultberg is listed as an inventor along with Mr. Anders Angelhag. A declaration pursuant to PCT Rule 4.17(iv) listing both inventors was submitted in the international application.

Accordingly, petition under 37 CFR 1.497(d) to add Mr. Hultberg as an inventor in the above-captioned national stage application is not required.

CONCLUSION

Accordingly, applicants' request under 37 CFR 1.497(d) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Francois Rossignol	: DECISION ON REQUEST FOR
Patent Number	: 7644700	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/721,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **413** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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28 JUL 2009

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SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 100
SILVER SPRING MD 20910

In re Application of:	:	
LEONARDI, Riccardo, et al.	:	
U.S. Application No.: 11/721,234	:	DECISION ON PETITION
PCT No.: PCT/IT2005/000599	:	
International Filing Date: 12 October 2005	:	
Priority Date: 15 October 2004	:	
Atty Docket No.: 6015	:	
For: SCALABLE VIDEO CODING	:	
METHOD	:	

The petition for revival under 37 CFR 1.137(b) filed 08 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/IT2005/000599 became abandoned with respect to the United States at midnight on 15 April 2007 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the request under 35 U.S.C. 371 from the due date for the required request until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Revival of the international application for purposes of the U.S. is therefore appropriate. It is noted that, on 06 July 2007, applicants filed an executed declaration in compliance with 37 CFR 1.49 as well as payment of the surcharge required for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 July 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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18 JUN 2008

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Alexandria, VA 22313-1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Application of Miguel Munoz Saez Application No.: 11/721,256 PCT No.: PCT/ES2005/000068 Int. Filing Date: 10 February 2005 Priority Date: 11 February 2004 Attorney Docket No.: P/4043-330 V4204 For: Use of Non-Peptidic NK1 Receptor Antagonists For The Production Of Apoptosis In Tumor Cells	:	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 08 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

It is noted that the English translation of the international application, as it appears in the application file, does not appear to include translated drawings.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b), an English translation, the surcharge under 37 CFR 1.492(h) and the processing fee under 37 CFR 1.492(i).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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CANTOR COLBURN, LLP
55 Griffin Road South.
Bloomfield, CT 06002

In re Application of	: DECISION ON REQUEST TO
Sang Young LEE	: PARTICIPATE IN PATENT
Application No. 11/721259	: PROSECUTION HIGHWAY
Filed: June 8, 2007	: PILOT PROGRAM AND PETITION
Attorney Docket No. 4795-0143PUS1	: 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 22, 2008 and the preliminary amendment, filed June 8, 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 KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
(2) Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s), if applicable; and
    c. A statement that the English translation is accurate, if applicable;
(3) Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
    b. Submit a claims correspondence table in English
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from

each of the KIPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claims(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS), applicant may request the USPTO obtain a copy from the SAD; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the KIPO Office action from (5) (a)(i)-(ii) above, if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

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

Kathryn Gorgos
TQAS TC 1700

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OFFICE OF PETITIONS

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

In re Application of	:	
CURRIE, John F. et al.	:	
Application No. 11/721,287	:	DECISION ON PETITION
Filed: May 19, 2009	:	TO WITHDRAW
Attorney Docket No. **028528-0361552**	:	FROM RECORD
	:	

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, 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 J. Peter Fasse on behalf of all attorneys of record who are associated with customer No. 26161. All attorneys/agents associated with the Customer Number 26161 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: **JOHN FREDERICK CURRIE**
6509 LANDON LANE
BETHESDA MD 20817-5605

cc: **FLEXIBLE MEDICAL SYSTEMS, LLC**
15601 CRABBS BRANCH WAY
ROCKVILLE MD 20855

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12 DEC 2007

Allan A. Fanucci
WINSTON & STRAWN
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
HARDY et al	:	
Application No.: 11/721,307	:	
PCT No.: PCT/IL05/00909:	:	DECISION ON
Int. Filing Date: 23 August 2005	:	
Priority Date: 23 August 2004	:	PETITION FOR REVIVAL
Attorney Docket No.: 85189-7599	:	
For: USE OF BAT MONOCLONAL ANTIBODY FOR IMMUNOTHERAPY	:	UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN UNINTIONALLY ABANDONED APPLICATION" filed in the United States Patent and Trademark Office (USPTO) on 08 June 2007, which has been treated as a petition under 37 CFR 1.137(b).

BACKGROUND

On 23 August 2005, applicant filed international application PCT/IL05/00909, which designated the U.S. and claimed priority date of 23 August 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 February 2007. Accordingly, PCT/IL05/00909 became abandoned as to the United States of America at midnight 23 February 2007 for failure to timely pay the Basic National Fee.

On 08 June 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required

reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply

Regarding item (2), the $750 petition fee has been charged to Deposit Account No. 50-1814 as authorized by applicant.

Regarding item (3), the petition was not signed by all of the applicants. The petition was only signed by Michael Schickler and no signatures were provided by applicants Britta Hardy and Annat Raiter. Therefore, the requirement to item (3) has not been met.

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

CONCLUSION

For the reason detailed above, applicants' petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of 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.

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

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Allan A. Fanucci
WINSTON & STRAWN
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
HARDY et al	:	
Application No.: 11/721,307	:	
PCT No.: PCT/IL05/00909:	:	RENEWED PETITION
Int. Filing Date: 23 August 2005	:	
Priority Date: 23 August 2004	:	FOR REVIVAL
Attorney Docket No.: 85189-7599	:	
For: USE OF BAT MONOCLONAL ANTIBODY FOR IMMUNOTHERAPY	:	UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "RENEWED REQUEST FOR RECONSIDERATION OF PETITION TO REVIVE" filed in the United States Patent and Trademark Office (USPTO) on 04 February 2008, which has been treated as a petition under 37 CFR 1.137(b).

BACKGROUND

On 12 December 2007, applicants' petition to revive the application was dismissed on the ground that the petition was only signed by one inventor and not by all of the inventors.

On 04 February 2008, applicants filed the present petition which accompanied, inter alia, a declaration by Michael Shickler, one of the inventors.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $1540 petition fee has been charged to Deposit Account No. 50-1814 as authorized by applicant.

Regarding item (3), the renewed petition includes a statement by attorney Allan Fanucci that "the entire delay in filing the required reply (i.e. the filing of a national stage application) from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is accepted as satisfying item (3)[1]. Although applicant Michael Shickler, CEO of Curetech, Ltd., also submitted a statement of unintentional delay in the Renewed Petition, Curetech is not the assignee of the entire right, title and interest, and, it is not clear whether Curetech, Ltd, as partial assignee, was solely responsible for controlling prosecution. Accordingly, Mr. Shickler's statement is not sufficient. See 37 CFR 1.33(b) and 3.71(b)(1).

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

CONCLUSION

For the reason detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Boris Milef
Legal Examiner
Office of PCT Legal Administration

[1]Applicant is advised that it is not apparent whether Mr. Fanucci 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 is not correct that the entire delay from the date the basic national fee was due under 37 CFR 1.495 until the date the petition to revive was filed was unintentional, petitioner must notify the Office.

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0 9 JUL 2010

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of:	:	
TANABE, Akimichi, et al.	:	
U.S. Application No.: 11/721,314	:	DECISION ON PETITION
PCT Application No.: PCT/JP2006/309581	:	(37 CFR 1.181)
International Filing Date: 12 May 2006	:	
Priority Date: 12 May 2005	:	
Attorney's Docket No.: 15689.100	:	
For: SEARCH SYSTEM OF	:	
COMMUNICATIONS DEVICE	:	

The present decision is issued in response to the "Request For Republication Of Patent Application Pursuant To 37 CFR 1.221(b)" filed 16 October 2009, treated in part herein as a petition under 37 CFR 1.181 to correct the international application number of record for the present national stage application from PCT/JP2006/09581 to PCT/JP2006/309581. No petition fee is required.

BACKGROUND

On 12 May 2006, applicants filed international application PCT/JP2006/309581. The international application claimed a priority date of 12 May 2005, and it designated the United States. On 16 November 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for requesting entry into the national stage in the United States and payment of the basic national fee was 12 November 2007.

On 08 June 2007, applicants filed materials requesting entry into the national stage in the United States using the EFS-Web electronic filing system. The submission included, among other materials, a Transmittal Letter (Form PTO-1390), an application data sheet (ADS), an executed declaration, and payment of the basic national fee. The Form PTO-1390, ADS, and declaration filed 08 June 2007 all identified the international application number as PCT/JP2006/309581. However, as evidenced by the Electronic Acknowledgement Receipt, the international application number entered into the EFS-Web system was PCT/JP06/09581. Based on the information entered into EFS-Web, the present application was therefore initialized in the USPTO Palm system as the U.S. national stage of PCT/JP06/09581.[1]

[1] It is noted that there is no published international application corresponding to international application number PCT/JP06/09581.

On 17 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c) were satisfied as of 08 June 2007. The Notification of Acceptance listed the international application number as PCT/JP06/09581. Also on 17 June 2009, a filing receipt was issued which identified the application as the national stage of PCT/JP06/09581.

On 24 September 2009, the application was published. The publication lists the international application number as PCT/JP2006/09581.

On 16 October 2009, applicants filed the "Request For Republication Of Patent Application Pursuant To 37 CFR 1.221(b)" requesting that the application be republished with the international application number corrected to PCT/JP2006/309581. The submission is considered in part herein as a petition under 37 CFR 1.181 to correct the international application number of record for the present national stage application.

DISCUSSION

As noted above, while the papers filed by applicants on 08 June 2007 referred to international application PCT/JP2006/309581, the international application number entered into the EFS-Web system at the time the national stage was filed was PCT/JP06/09581. Generally, under such circumstances, a petition under 37 CFR 1.182 is required to correct the inconsistency in the record with respect to the applicable international application number. However, at the time the present application was filed, the EFS-Web system was not capable of accepting an international application number that included the unusual additional digit present in international application number PCT/JP2006/309581. Applicant therefore could not have entered the proper international application number into the EFS-Web system at the time of filing.

In view of the above, a petition under 37 CFR 1.182 is not required to correct the record herein. The present application is properly treated as the U.S. national stage of PCT/JP2006/309581, the international application referred to in the papers filed on 08 June 2007, and USPTO records will be corrected to remove the incorrect international application number (PCT/JP2006/09581) entered into the EFS-Web system at the time of filing.

CONCLUSION

Applicants' petition under 37 CFR 1.181 to correct the international application number of record for the present national stage application is **GRANTED**.

The present application will be treated as the U.S. national stage of PCT/JP2006/309581.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 17 June 2009, both of which incorrectly identified the international application number as PCT/JP2006/09581 are hereby **VACATED**.

A corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt will be issued properly identifying the international application number as PCT/JP2006/309581.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including issuing the corrected Notification Of Acceptance and filing receipt.

Applicant's request for republication of the application (with the corrected international application number) will be addressed in a separate communication issued by the Office of Patent Publication.

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60 East South Temple
Salt Lake City UT 84111

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OFFICE OF PETITIONS

Applicant: Tanabe *et al.*
Appl. No.: 11/721,314
International Filing Date: May 12, 2006
Title: **SEARCH SYSTEM OF COMMUNICATIONS DEVICE**
Attorney Docket: 15689.100
Pub. No.: US 2009/0240656 A1
Pub. Date: September 24, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 16, 2009, for the above-identified application. Applicant requests that a publication be issued with the correct drawings as filed in the application.

The request is GRANTED.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

On June 17, 2009, a Filing Receipt was mailed by the Office, which improperly listed the international application number. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt prior to publication of the application.

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

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25 JUN 2007

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In re Application of DESAULNIERS Serial No.: 11/721,333 PCT App. No.: PCT/FR05/02992 Int'l Filing Date: 01 December 2005 Priority Date: 03 December 2004 Attorney Docket No.: None For: DIGITAL BEAM ENGINE FOR A SOFT VIDEO PROJECTOR	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)", filed on 17 June 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 December 2005, applicant filed international application PCT/FR05/02992 claiming a priority date of 03 December 2004. The thirty month period for entering the U.S. national stage expired at midnight on 04 June 2007 (03 June 2007 was a Sunday). The application went abandoned for failure to pay the basic national fee.

On 09 June 2007, applicant filed a Transmittal Letter (Form PTO 1390) requesting entry into the U.S. national stage and paid the basic national fee as required by 35 U.S.C. 371(c). The application was assigned U.S. application no. 11/721,333.

On 17 June 2007, applicant electronically filed the instant petition to revive along with a declaration and the surcharge for filing the declaration after the thirty month period, identifying PCT/FR05/02992 but incorrectly identifying the papers as U.S. application 11/721,981. On 18 June 2007, applicant electronically filed a copy of the petition to revive along with a declaration, identifying U.S. application 11/721,333.

DISCUSSION

The petition erroneously filed in application 11/721,981 will be moved to U.S. application 11/721,333, the national stage application of PCT/FR05/02992. The fees paid will also be moved to U.S. application 11/721,333.

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "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".

With respect to Item (2),the required petition fee of $750 has been paid. With respect to Item (3), applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

With regard to Item (1), a review of the application file reveals that the proper reply, the basic national fee, was previously provided.

CONCLUSION

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

The application will be forwarded to the U.S. Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 17 June 2007.

Cynthia M. Kratz
Attorney Advisor
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06/26/2007 SBASHEIR 00000001 11721333

01 FC:2633	100.00	OP
02 FC:2617	65.00	OP
03 FC:1618	130.00	OP
04 FC:2453	750.00	OP

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23 JUL 2007

Sam Chen
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In re Application of YU, Wei Application No.: 11/721,336 PCT No.: PCT/CN2005/000163 Int. Filing Date: 05 February 2005 Priority Date: None Attorney's Docket No.: None For: BROADBAND MULTI-LOOP ANTENNA FOR MOBILE COMMUNICATION DEVICE	**DECISION**

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 11 June 2007, applicant filed papers using the EFS-Web system to enter the national stage of PCT/CN2005/000163. This application was given U.S. application number 11/721,336. Applicant then filed papers for a second national stage application of PCT/CN2005/000163 on the same day. The second filing was treated as a separate national stage application for PCT/CN2005/000163 and was denoted as U.S. application number 11/721,335.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/CN2005/000163. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/CN2005/000163.

Applicant must use only U.S. application No. **11/721,336** for all correspondence to the national stage application of PCT/CN2005/000163.

Applicant is advised that U.S. application No. 11/721,335 is no longer a valid U.S. National stage application. No fees were charged in U.S. application No. 11/721,335. As such, a refund is not warranted.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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2 2 MAY 2009

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In re Application of:	:	
STROMANN, Corina, Vera, Helga, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 11/721,394	:	37 CFR 1.47(a)
PCT No.: PCT/IB2004/004045	:	
International Filing Date: 09 December 2004	:	
Priority Date: None	:	
Atty's Docket No.: 309241US0PCT	:	
For: SYNTHESIS OF DIAMOND	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 19 May 2009. Applicants have paid the required petition fee.

BACKGROUND

On 09 December 2004, applicants filed international application PCT/IB2004/004045. The international application did not claim an earlier priority date, and it designated the United States. On 15 June 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 June 2007 (09 June 2007 was a Saturday).

. On 11 June 2007, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 19 May 2009, applicants filed a partially executed declaration and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the application without the signature of co-inventor Corina Vera Helga STROMANN, whom applicants assert "refuses to sign the Rule 63 Declaration or cannot be reached."

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor; therefore, items (1) and (2) are satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by three of the four inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Corina Vera Helga STROMANN. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor; therefore, item (3) is satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

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

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from John Crawford McKnight, with accompanying exhibits. The statement indicates that a request for signature accompanied by a copy of the application and the declaration was forwarded to the last known address of the non-signing inventor, however, the petition indicates that this correspondence was returned to Mr. McKnight marked "return to sender." Based on the above, it is unclear whether the address being used for the inventor is current and whether the inventor ever received the signature request. The failure of the inventor to respond to a signature request that does not appear to have been received by the inventor cannot be construed as a refusal to sign the application.

The present submission is also insufficient to demonstrate that the non-signing inventor cannot be located after diligent effort. MPEP section 409.03(d) sets forth the requirements for such a showing as follows:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay

> will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statements provided with the present petition provide no firsthand and documentary evidence demonstrating that, after the original signature request was returned, a diligent effort was made to locate a more current address for the non-signing inventor and to deliver an appropriate signature request to the inventor at such address. A firsthand showing of additional efforts made to locate the inventor, including, but not limited to, an internet search (with the results of such search being made of record herein) is required before it can be concluded that the non-signing inventor cannot be located after diligent effort.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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17 SEP 2009

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In re Application of:	:	
STROMANN, Corina, Vera, Helga, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/721,394	:	PETITION UNDER
PCT No.: PCT/IB2004/004045	:	37 CFR 1.47(a)
International Filing Date: 09 December 2004	:	
Priority Date: None	:	
Atty's Docket No.: 309241US0PCT	:	
For: SYNTHESIS OF DIAMOND	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 08 September 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 22 May 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that the non-signing inventor had refused to execute the application or can not be located after diligent effort.

On 08 September 2009, applicants filed the Renewed Petition Under 37 CFR 1.47(a) considered herein, with required extension fee.

DISCUSSION

The present renewed petition was accompanied by supplemental materials demonstrating additional efforts made by applicants to locate the non-signing inventor. Specifically, applicants have provided a firsthand statement, with accompanying documentary support, indicating that a number of internet searches were conducted and that none of these searches provided a current address or telephone number for the non-signing inventor. These materials, in combination with those previously submitted, provide an acceptable showing that the non-signing inventor cannot be located after diligent effort. Applicants have therefore now satisfied the final element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

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

The application is accepted without the signature of non-signing inventor Corina Vera Helga STROMANN.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 June 2009.

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17 SEP 2009

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Corina Vera Helga STROMANN
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In re Application of:
STROMANN, Corina, Vera, Helga, et al.
U.S. Application No.: 11/721,394
PCT No.: PCT/IB2004/004045
International Filing Date: 09 December 2004
Priority Date: None
Atty's Docket No.: 309241US0PCT
For: SYNTHESIS OF DIAMOND

Dear Ms. STROMANN:

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

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

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Counsel Of Record:
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17 NOV 2008

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In re Application of SULAKVELIDZE et al. U.S. Application No. 11/721,422 PCT No.: PCT/US04/42475 Int. Filing Date: 17 December 2004 Priority Date: 17 December 2003 Attorney Docket No.: 62610.000054 For: METHODS FOR EVALUATION A BACTERIOPHAGE PREPARATION	:	DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 11 June 2007 in the above-captioned application is hereby GRANTED as follows:

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

A review of the application file reveals that applicant has submitted the declaration of the inventors and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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0 8 JUN 2009

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Reisterstown, MD 21136

In re Application of	:	
PACKER et al.	:	
Application No.: 11/721,442	:	DECISION ON
PCT No.: PCT/AU05/01961	:	PAPERS UNDER 37 CFR 1.42
Int. Filing Date: 22 December 2005	:	
Priority Date: 26 December 2004	:	
Attorney Docket No.: C061207	:	
For: AN IMPROVED PAGING SYSTEM	:	

This decision is in response to applicant's declaration filed 12 June 2007, which is being treated as a request under 37 CFR 1.42. Additionally, this decision is issued in response to the facsimile communication (Petition to Accept Declaration) dated 01 June 2009. No petition fee is due.

BACKGROUND

On 22 December 2005, applicant filed international application PCT/AU05/01961, which claimed a priority date of 26 December 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 June 2007.

On 12 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by: the basic national fee; a copy of the international application; and a declaration/power of attorney executed by the five joint-inventors and Robyn Gough on behalf of deceased inventor, Lynton Earl Gough.

On 01 June 2009, applicant filed "Petition to Accept Declaration."

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted 12 June 2007 was executed by Robyn Gough as "legal representative" of deceased inventor, Lynton Earl Gough. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

In addition, it is noted that 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497). Here, the filed declaration does not comply with 37 CFR 1.497(b)(2) in that it does not provide separate citizenship information for the deceased inventor.[1]

Further, the declaration filed 12 June 2007 is defective. Specifically, the declaration submitted includes an alteration that has not been initialed and dated by the inventor. (See MPEP §605.04(a) and 37 CFR 1.52(c).) It appears that the declaration has been altered to correct the sixth inventor's first name. If this is the case, an explanation pursuant to Manual of Patent Examining Procedure §201.03 <u>or</u> §605.04(a) and a newly executed declaration is required.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

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[1]Petitioner states, in the communication dated 01 June 2009, that "the address and nationality information shown on the declaration below Robyn Gough's name and signature are Ms. Gough's address and nationality."

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

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Reisterstown, MD 21136

In re Application of	:	
PACKER et al.	:	
Application No.: 11/721,442	:	DECISION ON
PCT No.: PCT/AU2005/001961	:	PAPERS UNDER 37 CFR 1.42
Int. Filing Date: 22 December 2005	:	
Priority Date: 26 December 2004	:	
Attorney Docket No.: C061207	:	
For: AN IMPROVED PAGING SYSTEM	:	

This decision is in response to applicant's "Renewed Submission under 37 CFR 1.42" filed 20 July 2009. No petition fee is due.

BACKGROUND

On 22 December 2005, applicant filed international application PCT/AU05/01961, which claimed a priority date of 26 December 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 June 2007.

On 12 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by: the basic national fee; a copy of the international application; and a declaration/power of attorney executed by the five joint-inventors and Robyn Gough on behalf of deceased inventor, Lynton Earl Gough.

On 01 June 2009, applicant filed "Petition to Accept Declaration." In a decision dated 08 June 2009, applicant's submission under 37 CFR 1.42 was refused.

On 20 July 2009, applicant filed the present "Renewed Submission under 37 CFR 1.42."

DISCUSSION

A. Request under 37 CFR 1.42

37 CFR 1.42 When the Inventor is Dead, states, in part:

In case of the death of the inventor, the legal representative (executor,

administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted on 20 July 2009 identifies the deceased inventor and states the deceased inventor's country of citizenship. Additionally, the declaration is signed by Robyn Gough as "Legal Representative," states his relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

B. Name of Sixth Inventor

Counsel states in the present request that the name of the sixth inventor is GLENN Thompson as listed on the declaration, not GLEN Thompson as indicated on the published international application. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, applicant's explanation of the difference in the spelling of the sixth inventor's name is accepted and noted for the record.

C. 35 U.S.C. 371(c) Date

Counsel requests that "its official filing/371(c) date be based not on the revised declaration submission dated, but on a date more reasonably after the national phase request." Counsel is reminded that "for most legal purposes, the filing date of the present application is the international filing date, i.e., 22 December 2005." (See 35 U.S.C. 363.) Further, the 35 U.S.C. 371(c) date for national stage application is regulated by statute and the Office of PCT Legal Administration does not have the authority to assign a date "closer to the national phase request date." Therefore, this application has an international filing date of 22 December 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **20 July 2009**.

CONCLUSION

The request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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20 JAN 2010

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LUCAS & MERCANTI, LLP
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NEW YORK NY 10016

In re Application of HIRAI et al. Application No.: 11/721,523 Int'l Filing Date: 13 December 2005 Priority Date: 17 December 2004 Attorney Docket No.: KON-2178 For: METHOD OF MANUFACTURING ORGANIC FILM TRANSISTOR	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicant's "Petition under 37 CFR 1.182" to change the name of an inventor filed on 05 October 2009 in the United States Patent and Trademark Office. The petition fee was paid.

Applicant submits declaration by the inventor Reiko Sugisaki indicating that her name changed to Reiko Obuchi due to her marriage. This correction will appear in the USPTO records as **Reiko Obuchi**.

The petition under 37 CFR 1.182 to change the respective inventor's name to **Reiko Obuchi** is **GRANTED**. The USPTO records will reflect this correction.

/Cynthia M. Kratz/
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Paper No.

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MAILED

JUL 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Gourdie et al.	:	DECISION ON APPLICATION
Application No. 11/721,529	:	FOR
Filed: June 12, 2007	:	PATENT TERM ADJUSTMENT
Atty Docket No. FIRS-001/02US	:	
309562-2001	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.705(b) AND ALTERNATIVELY A PETITION UNDER 37 C.F.R. §1.181 REQUESTING THE PROPER RECALCULATION OF PATENT TERM ADJUSTMENT," filed June 8, 2010. Applicants request that the initial determination be corrected from a patent term extension of zero (0) days to a patent term adjustment of one hundred forty-seven (147) days plus additional B Delay days minus any Applicants' delay (30 days).

The application for patent term adjustment is **GRANTED to the extent indicated herein**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one hundred seventeen (117)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 9, 2010, the Office mailed the Determination of Patent Term Extension under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term extension (PTE) to date is 0 days. On June 8, 2010, applicants timely submitted an application for patent term adjustment (with

required fee)[1]. Applicants maintain that the Office erred in calculating a patent term extension rather than a determination of patent term adjustment as this application is eligible for PTA.

The record supports a conclusion that the patent issuing from the application is not subject to a terminal disclaimer.

Applicants are correct. As the international filing date of this application is after May 29, 2000, the provisions of 35 U.S.C. 154(b) related to adjustment of patent term due to administrative delays apply. This application fulfilled the requirements of 35 U.S.C. 371 on June 12, 2007. Accordingly, pursuant to § 1.703(a)(1), a period of adjustment of 147 days should have been entered for Office delay in mailing the first Office action (counting the number of days in the period beginning on, August 13, 2008, the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371, and ending on the date of mailing of an action under 35 U.S.C. 132, January 6, 2009).

Additionally, pursuant to § 1.704(b), a period of reduction of 30 days for applicant delay should have been entered. Applicants took in excess of three months to file a response to the restriction requirement mailed January 6, 2009. A response was not received until May 6, 2009, three months and 30 days later.

In view thereof, the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is one hundred seventeen (117) days.

The revised patent term adjustment calculated at the time of the issuance of the patent (and reflected on the issued patent) should properly include any adjustment to term under the provisions of patent term adjustment for examination delay. Any request for reconsideration of the patent term adjustment indicated on the patent is by way of a request for reconsideration of patent term adjustment pursuant to 37 CFR 1.705(d). Any such request must be filed within 2 months of issuance of the patent.

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[1] PALM records indicate that the Issue Fee payment was filed on June 8, 2010.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the 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

Attachment: Copy of Revised PAIR Screen

Day : Thursday
Date: 7/15/2010

PALM INTRANET

Time: 13:27:21

PTA Calculations for Application: 11/721529			
Application Filing Date:	06/12/2007	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	117
PTO Delay Adjustment:	117		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	07/15/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		30	
53	07/15/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	147		
45	03/09/2010	MAIL NOTICE OF ALLOWANCE			
44	03/05/2010	ISSUE REVISION COMPLETED			
43	03/05/2010	DOCUMENT VERIFICATION			
42	03/05/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	03/05/2010	CASE DOCKETED TO EXAMINER IN GAU			
40	03/04/2010	NOTICE OF ALLOWABILITY			
39	01/21/2010	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
38	01/15/2010	CORRESPONDENCE ADDRESS CHANGE			
37	01/08/2010	DATE FORWARDED TO EXAMINER			
36	11/13/2009	RESPONSE AFTER NON-FINAL ACTION			
35	08/13/2009	MAIL NON-FINAL REJECTION			
34	08/12/2009	NON-FINAL REJECTION			
33	05/06/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	12/03/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	05/06/2009	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
28	07/01/2009	DATE FORWARDED TO EXAMINER			
27	05/06/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
26	05/06/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	05/06/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	01/06/2009	MAIL RESTRICTION REQUIREMENT			

23	12/18/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
18	04/29/2008	CASE DOCKETED TO EXAMINER IN GAU			
17	04/24/2008	PG-PUB ISSUE NOTIFICATION			
16	04/23/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	12/03/2007	REFERENCE CAPTURE ON IDS			
14	12/03/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	06/12/2007	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
12	06/12/2007	PRELIMINARY AMENDMENT			
11	02/07/2008	APPLICATION DISPATCHED FROM OIPE			
10	01/17/2008	SENT TO CLASSIFICATION CONTRACTOR			
9	01/15/2008	CLEARED BY OIPE CSR			
8	12/10/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
7	12/03/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	06/12/2007	371 COMPLETION DATE			
5	10/05/2007	WAITING LR CLEARANCE			
4	10/09/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	06/12/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
2	06/19/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
1	06/12/2007	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

Back to OASIS | Home page

1 5 FEB 2008

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

In re Application of OCERA	:	
U.S. Application No.: 11/721,618	:	
PCT Application No.: PCT/EP2005/054403	:	
Int. Filing Date: 07 September 2005	:	
Priority Date Claimed: 10 September 2004	:	DECISION
Attorney Docket No.: Q101347	:	
For: A METHOD AND APPARATUS FOR PRODUCING A SEAL INCLUDING A PORTION HAVING A WALL OF VARIABLE THICKNESS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 13 June 2007.

BACKGROUND

On 07 September 2005, applicant filed international application PCT/EP2005/054403, which claimed priority of an earlier Italy application filed 10 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 16 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 10 March 2007.

International application PCT/EP2005/054403 became abandoned as to the United States for failure to timely pay the basic national fee.

On 13 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

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

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 07 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 June 2007.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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2 1 MAR 2008

ROBERTS, MLOTKOWSKI & HOBBES
P. O. BOX 10064
MCLEAN VA 22102-8064

In re Application of	:	
LIEBL	:	
Application No.: 11/721,627	:	
PCT No.: PCT/EP01/14747	:	DECISION ON PETITION
Int. Filing Date: 14 December 2001	:	
Priority Date: 20 December 2000	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 740145-347	:	
For: DEVICE AND METHOD FOR APPLYING AN	:	
ACTIVE INGREDIENT TO THE SKIN	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed 13 June 2007 in the above-captioned application. The petition is hereby **DISMISSED** as follows:

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). It is noted that item (4) does not apply to the present application.

With respect to item (1), applicant has provided payment of the full U.S. Basic National Fee thereby satisfying item 1.

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

With respect to item (3), the petition includes the required statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." However, the above-identified application has been abandoned for an extended period of time. Specifically, the deadline for providing payment of the full U.S. Basic National Fee expired on 20 June 2003. The present petition was not filed until 13 June 2007, nearly four years after the deadline. As explained in the Manual of Patent Examining Procedure, section 711.03(f):

While the Office will generally require only the statement that the entire delay in providing 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 Office may require an applicant to carry the burden of proof to establish that the delay from the due date for the reply

until the filing of a grantable petition was unintentional within the meaning of 35 U.S.C. 41(a)(7) and 37 CFR 1.137(b) where there is a question whether the entire delay was unintentional. See Application of G, 11 USPQ2d at 1380.

In the present case applicant is required to provide further information supporting the contention that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition. It is important that the explanation cover the entire period of delay and that the individual(s) providing evidence be those who were in a position to make decisions as to the prosecution of the application during the time in question.

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

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

Derek A. Putonen
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Office of PCT Legal Administration
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2 5 APR 2008

ROBERTS, MLOTKOWSKI & HOBBES
P. O. BOX 10064
MCLEAN VA 22102-8064

In re Application of	:	
LIEBL	:	
Application No.: 11/721,627	:	
PCT No.: PCT/EP01/14747	:	DECISION ON PETITION
Int. Filing Date: 14 December 2001	:	
Priority Date: 20 December 2000	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 740145-347	:	
For: DEVICE AND METHOD FOR APPLYING AN	:	
ACTIVE INGREDIENT TO THE SKIN	:	

This decision is in response to applicant's renewed petition to revive under 37 CFR 1.137(b) filed 13 June 2007 in the above-captioned application. The petition is hereby **GRANTED** as follows:

As detailed in the decision mailed 31 March 2008, 37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). It is noted that item (4) does not apply to the present application. Applicant previously satisfied items 1 and 2.

With respect to item (3), applicant has presently provided a declaration from the inventor supporting the contention of the original petition 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. As such, it is proper to grant applicant's renewed petition at this time.

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

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12 MAR 2008

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

In re Application of: LEUPRECHT, Helmut, et al. U.S. Application No.: 11/721,654 PCT No.: PCT/EP2004/014181 International Filing Date: 13 December 2004 Priority Date: None Attorney's Docket No.: 117189-154432 For: MATERIALS FOR PRODUCING A SUPPORT BANDAGE	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Petition Under 37 CFR 1.497(d) For Inventorship Change" filed 23 August 2007. Applicants have paid the required $130 processing fee.

BACKGROUND

On 13 December 2004, applicants filed international application PCT/EP2004/014181. The application did not claim an earlier priority date, and it designated the United States. On 22 June 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 13 June 2007. The published international application identified two applicant/inventors for the U.S.: Helmut LEUPRECHT and Stefan BRANDOFF.

On 13 June 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation into English of the international application.

On 23 August 2007, applicants filed a declaration that names and is executed by only one of the two inventors of record (Helmut LEUPRECHT) and the "Petition Under 37 CFR 1.497(d) For Inventorship Change" considered herein. The petition seeks to delete the second inventor, Stefan BRANDOFF, from the present application.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants have filed a declaration that names an inventive entity different than that set forth in the international application (specifically, inventor Stefan BRANDHOFF is not included on the declaration). Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicants have provided the required statement from the person to be deleted as an inventor (Stefan BRANDHOFF), as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. However, applicants have not submitted the written consent of assignee Lohmann & Rauscher GMBH & Co. KG to the requested inventorship change. Requirement (C) is therefore not satisfied.[1]

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d).

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application, that is, Helmut LEUPRECHT and Stefan BRANDOFF.

The declaration filed 23 August 2007, which fails to include inventor of record Stefan BRANDOFF, is defective on the present record for failure to properly identify and be executed by all of the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request, as discussed above and in the MPEP, that is, the written consent of the assignee to the proposed change in inventorship in the form required by 37 CFR 3.73(b).

---

[1] It is noted that such assignee consent must be submitted in compliance with 37 CFR 3.73(b).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

It is noted that applicants are also required to submit the $130 surcharge for filing the oath or declaration later than thirty months after the international filing date.

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

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

21 MAY 2008

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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

In re Application of:	:	
LEUPRECHT, Helmut, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/721,654	:	REQUEST UNDER
PCT No.: PCT/EP2004/014181	:	37 CFR 1.497(d)
International Filing Date: 13 December 2004	:	
Priority Date: None	:	
Attorney's Docket No.: 117189-154432	:	
For: MATERIALS FOR PRODUCING A	:	
SUPPORT BANDAGE	:	

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed 12 May 2008. Applicants have previously submitted the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 12 March 2008. That decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the consent of the assignee to the requested change in inventorship.

On 12 May 2008, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein, accompanied by payment of the $130 surcharge for filing the executed declaration later than thirty months after the priority date.

DISCUSSION

The renewed petition includes a statement of consent to the change of inventorship executed on behalf of the assignee, accompanied by the required statement under 37 CFR 3.73(b). These materials satisfy the final requirement for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested removal of Stefan BRANDHOFF as an inventor of record pursuant to 37 CFR 1.497(d) is therefore appropriately granted.

Based on the above correction, the declaration filed 23 August 2007 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to remove Stefan BRANDHOFF as an inventor of record herein.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 August 2007..

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0 4 FEB 2008

Myriad Genetics Inc.
Intellectual Property Department
320 Wakara Way
Salt Lake City, Utah 84108

In re Application of	:	
ZENTNER et al.	:	
Application No.: 11/721,662	:	DECISION ON PETITION
PCT No.: PCT/US05/43481	:	UNDER 37 CFR 1.137(b)
nt. Filing Date: 30 November 2005	:	
Priority Date: 30 November 2004	:	
Attorney Docket No.: 5008-04-1US	:	
For: THERAPEUTIC FORMULATIONS	:	

The petition to revive under 37 CFR 1.137(b) filed 13 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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18 AUG 2009

SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON OR 97006

In re Application of	:
KERR et al.	:
Application No.: 11/721,663	:
PCT No.: PCT/GB05/04836	: DECISION ON
Int. Filing Date: 14 December 2005	:
Priority Date: 14 December 2004	: PETITION UNDER
Attorney Docket No.: SWIN 3639	:
For: METHOD AND APPARATUS FOR	: 37 CFR 1.497(d)
VERIFYING SEAL INTEGRITY	:

This is a decision on applicant's Request to Correct Inventorship, filed in the United States Patent and Trademark Office (USPTO) on 10 June 2009 in the above referenced application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 13 June 2007, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 10 June 2009, applicant requested correction of inventorship pursuant to 37 CFR 1.48.

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d)

names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(h); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Petitioner provided the statement of FANGMIN SHI, the inventor to be added, in support of the correction of inventorship under 37 CFR 1.497(d). Applicant also filed an executed declaration. A review of the application file reveals that the petition fee of $130 was paid. Applicant also submitted the written consent of the assignee to add FANGMIN SHI as an inventor.

With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) to add FANGMIN SHI as an inventor in the above-identified international application.

The declaration filed on 10 June 2008 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, all the inventors and provides their respective citizenship, residency and mailing address. The $130 surcharge for filing the declaration after the thirty month period was paid.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add FANGMIN SHI is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **10 June 2009.**

Cynthia M. Kratz

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2 0 SEP 2007

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 Main Street
Irvine, CA 92614

In re Application of	:	
MAGUIN, Antoine	:	
U.S. Application No.: 11/721,665	:	
PCT No.: PCT/CA2005/001906	:	
Int. Filing Date: 15 December 2005	:	**DECISION**
Priority Date: 15 December 2004	:	
Attorney Docket No.: ROBCA31.002APC	:	
For: ARTICULATED AIRCRAFT LOADER	:	

This decision is in response to the "Request for Correction" filed 23 July 2007.

BACKGROUND

On 13 June 2007, petitioner filed papers to enter the national stage using the USPTO EFS-Web system. This application was denoted as U.S. application number 11/721,665. The PCT application number was listed as PCT/AU05/01906. However, another application was already designated as the national stage of PCT/AU05/01906. Hence, the above-identified national stage papers were not processed.

On 23 July 2007, after a telephone call from the undersigned, petitioner filed the subject petition requesting to correct the underlying PCT number.

DISCUSSION

In the papers filed electronically on 13 June 2007, the PCT number was listed as PCT/AU05/01906. Petitioner requests to correct the international application to reflect the proper international application number, *i.e.*, PCT/CA05/01906.

A review of the above-captioned application file verifies that the wrong U.S. application number was designated while filing electronically using the EFS-Web system.

This is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been charged to counsel's Deposit Account as authorized.

A further review of the papers filed 13 June 2007 show that all the papers correspond to PCT/CA2005/001906, not PCT/AU05/01906. Moreover, there is already a national stage application for PCT/AU05/01906. As such, it is clear that applicants

intended to file a national stage application for PCT/CA05/01906.

Petitioner has met all the requirements of a grantable petition.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.182 to correct the PCT application number listed on the transmittal letter is **GRANTED**.

Petitioner is reminded to use **PCT/CA02005/001906** for all future correspondence regarding this application.

Petitioner also requested that the Office check to see whether the "AU" designation was substituted for "CA" at the USPTO. Upon investigation, EFS-Web system personnel indicate that changing the country designation on a PCT number does not occur. There is no other evidence to indicate that the Office changed the country designation on the PCT number.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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OFFICE OF PETITIONS

ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

In re Application of	:	
Shen et al.	:	DECISION ON REQUEST
Application No. 11/721,676	:	FOR
Filed: June 14, 2007	:	PATENT TERM ADJUSTMENT
Atty Docket No. X16543	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)", filed September 22, 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 sixty-seven (67) days.

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

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is sixty-seven (67) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On July 24, 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 zero (0) days. On September 22, 2009, applicants timely submitted the instant application for patent term adjustment.[1] Applicants urge that the Office mailed at least one of a notification under 37 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 sixty-seven (67) days after the expiration of fourteen (14) months from the date on which the application was filed under 37 CFR 1.111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application, pursuant to 37 CFR 1.702(a).

A review of the record reveals that the requirements of 35 U.S.C 371 were fulfilled on June 21, 2007. The fourteen (14) month deadline date for mailing at least one of a notification under 37 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 expired on August 21, 2008. The Office, however, did not mail the notification under 35 U.S.C. 132 until October 27, 2008, i.e., sixty-seven (67) days after the fourteen (14) month deadline.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is sixty-seven (67) days.

[1] PALM records indicate that the issue fee payment was received on September 22, 2009.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any 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 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.

The Office has assessed the $200.00 fee pursuant to 37 CFR 1.18(e) and 1.705(b). No additional fees are required for this decision.

Telephone inquiries specific to this decision should be directed to the Brian W. Brown at (571) 272-5338.

/Kery A. Fries/

Kery A. Fries
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Encl. Copy of updated PALM screen

PALM INTRANET

Day : Tuesday
Date: 1/5/2010
Time: 11:49:06

PTA Calculations for Application: 11/721676			
Application Filing Date:	06/14/2007	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	67
PTO Delay Adjustment:	67		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
66	01/05/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	67		
55	07/24/2009	MAIL NOTICE OF ALLOWANCE			
54	07/20/2009	ISSUE REVISION COMPLETED			
53	07/20/2009	DOCUMENT VERIFICATION			
52	07/20/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	07/20/2009	CASE DOCKETED TO EXAMINER IN GAU			
50	07/20/2009	EXAMINER'S AMENDMENT COMMUNICATION			
49	07/20/2009	NOTICE OF ALLOWABILITY			
48	05/19/2009	DATE FORWARDED TO EXAMINER			
47	04/28/2009	RESPONSE AFTER NON-FINAL ACTION			
46	01/29/2009	ELECTRONIC REVIEW			
45	01/28/2009	EMAIL NOTIFICATION			
44	01/28/2009	MAIL NON-FINAL REJECTION			
43	01/14/2009	NON-FINAL REJECTION			
42	06/14/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	12/16/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	12/16/2008	REFERENCE CAPTURE ON IDS			
39	12/16/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	12/17/2008	DATE FORWARDED TO EXAMINER			
37	12/16/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
36	12/16/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	12/16/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

23	10/27/2008	ELECTRONIC REVIEW			
22	10/27/2008	EMAIL NOTIFICATION			
21	10/27/2008	MAIL RESTRICTION REQUIREMENT			
20	10/22/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
19	10/09/2008	CASE DOCKETED TO EXAMINER IN GAU			
18	07/06/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
17	10/19/2007	PRELIMINARY AMENDMENT			
16	06/14/2007	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
15	06/14/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	06/14/2007	PRELIMINARY AMENDMENT			
13	05/23/2008	EMAIL NOTIFICATION			
12	05/22/2008	PG-PUB ISSUE NOTIFICATION			
11	02/14/2008	APPLICATION DISPATCHED FROM OIPE			
10	02/01/2008	EMAIL NOTIFICATION			
9	06/21/2007	371 COMPLETION DATE			
8	01/31/2008	SENT TO CLASSIFICATION CONTRACTOR			
7	02/01/2008	FILING RECEIPT			
6	02/01/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			
5	10/19/2007	CLEARED BY OIPE CSR			
4	10/19/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	06/14/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
1	06/14/2007	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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ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

Mail Date: 04/20/2010

Applicant	: Quanrong Shen	: DECISION ON REQUEST FOR
Patent Number	: 7659296	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/721,676	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **152** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SOUTHFIELD MI 48075

4/20/09

In re Application of	:	
RICHARDS, CRAIG EDWARD et al	:	DECISION ON REQUEST TO
Application No. 11/721,738	:	PARTICIPATE IN PATENT
Filed: Jun. 14, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. RICC0101PUSA	:	PILOT PROGRAM AND PETITION
For: SOLE ASSEMBLY	:	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 under 37 CFR 1.102(d), filed April 14, 2009, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU 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 IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU 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 fail to include:

An IDS listing the documents cited by the Australian examiner in the IPAU office along with copies of documents. In particular, petitioner fails to provide an IDS including the IPAU cited prior art patent publication of DE 2813958 and US 53337494 and a copy of DE 2813958 patent publication.

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.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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SOUTHFIELD MI 48075

4/30/09

In re Application of	:	
RICHARDS, CRAIG EDWARD et al	:	DECISION ON REQUEST TO
Application No. 11/721,738	:	PARTICIPATE IN PATENT
Filed: Jun. 14, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. RICC0101PUSA	:	PILOT PROGRAM AND PETITION
For: SOLE ASSEMBLY	:	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) pilot program under 37 CFR 1.102(d), filed Apr. 28, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU 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 IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU 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. Receipt of a copy of DE 2813958 patent and other publications is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Mickey Yu, SPE of Art Unit 3714, 571-272-4562.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

0 2 SEP 2008

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Kenyon & Kenyon
One Broadway
New York NY 10004

In re Application of	:	
SANG et al.	:	
Application No.: 11/721,798	:	
PCT No.: PCT/CN05/00816	:	DECISION ON PETITION
Int. Filing: 09 June 2005	:	UNDER
Priority Date: 17 September 2004	:	37 CFR 1.137(b)
Attorney Docket No.: 060433-2 US	:	and
For: METHOD AND SYSTEM FOR CONNECTING WORDS, PHRASES, OR SYMBOLS WITHIN THE CONTENT OF TRANSMITTED DATA TO URI OR IP ADDRESS	:	37 CFR 1.47(a)

This decision is in response to applicants' "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b)" and "Petition under 37 CFR 1.47(a) to File Application on Behalf of Non-Signing Inventor" filed 14 June 2007. Additionally, this decision is in response to applicants' "Petition under 37 CFR 1.47(a) to File Application on Behalf of Non-Signing Inventor" filed 11 August 2008 and applicants' "Petition under 37 CFR 1.47(a) to File Assignment on Behalf of Non-Signing Inventor" filed 18 August 2008. The petition fee(s) has been submitted.

BACKGROUND

On 09 June 2005, applicants filed international application PCT/CN05/00816, which claimed a priority date of 17 September 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 March 2006. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 17 March 2007.

On 14 June 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; a "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b);" and a declaration executed by one of two inventors. Additionally, applicants submitted and a "Petition under 37 CFR 1.47(a) to File Application on Behalf of Non-Signing Inventor."

On 11 August 2008, applicants (re)submitted "Petition under 37 CFR 1.47(a) to File Application on Behalf of Non-Signing Inventor."

On 18 August 2008, applicants filed "Petition under 37 CFR 1.47(a) to File Assignment on Behalf of Non-Signing Inventor."

DISCUSSION

The above-identified application was abandoned on 17 March 2007 for failure to provide the full U.S. Basic National Fee by 30 months from the priority date. (See 37 CFR 1.495(b)(2).)

Petition under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply (the basic national fee), (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response was the payment of the basic national fee of $150.00.

As to Item (2), the appropriate petition fee of $750.00 as required by 37 CFR 1.17(m) has been submitted.

With regard to Item (3), applicant's statement that "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" complies with 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Petition under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

As authorized, the $200 petition fee has been charged to applicant's deposit account. Therefore, item (1) is satisfied.

As to item (2), petitioner states that Chengtao Mo cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, 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.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present petition, applicants have not provided the required showing that the nonsigning inventor cannot be located after diligent effort. Specifically, it is not clear that the person providing the "Declaration In Support Of Petition Under 37 CFR 1.47(a)" (Junsheng Edward Sang) is the person who took the actions referred to therein; it is therefore unclear whether Junsheng Edward Sang has first hand knowledge of these actions, as required by the MPEP. In addition, applicants have not provided any documentary evidence of the efforts made to locate the inventor (for example, the petition refers to an April 19, 2007 and April 20, 2007 mailing to the inventor that was returned; however, no such materials were provided with the present petition). Petitioner provided a copy of the return receipt from post office which has not been translated into English. Further, the single mailing of the papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Applicant must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Chengtao Mo.

Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate the nonsigning inventor. A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor (Chengtao Mo). Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Chengtao Mo). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Chengtao Mo under 37 CFR 1.47(a) at this time.

CONCLUSION

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

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

02 DEC 2008

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Kenyon & Kenyon LLP
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New York NY 10004

In re Application of SANG et al. Application No.: 11/721,798 PCT No.: PCT/CN05/00816 Int. Filing: 09 June 2005 Priority Date: 17 September 2004 Attorney Docket No.: 060433-2 US For: METHOD AND SYSTEM FOR CONNECTING WORDS, PHRASES, OR SYMBOLS WITHIN THE CONTENT OF TRANSMITTED DATA TO URI OR IP ADDRESS	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 19 November 2008. In a decision dated 02 September 2008, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Chengtao Mo, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 19 November 2008 with the present petition was executed by the named inventor, the previous non-signing inventor, Chengtao Mo. The declaration filed 19 November 2008 is acceptable under 37 CFR 1.497.

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

The application has an international filing date of 09 June 2005 under 35 U.S.C. 363 and a date of 19 November 2008 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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

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OFFICE OF PETITIONS

In re Application of

NANDHRA, Ian R.
Application No. 11/721,804
Filed: June 14, 2007
Attorney Docket No. **FINDP006**

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 12, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Alan Hodes on behalf of all attorneys of record who are associated with customer No. 58766. All attorneys/agents associated with the Customer Number 58766 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 Ian Nandhra 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: **IAN R. NANDHRA**
FINDBASE LLC
18711 TIFFENI DRIVE
SUITE 17-107
TWAIN HARTE CA 95383

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14 AUG 2009

EMPK & Shiloh, LLP
c/o Landon IP, Inc.
1700 Diagonal Road
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Alexandria VA 22314

In re Application of Stimpson Application No. 11/721,806 PCT No.: PCT/GB2005/003442 Int. Filing Date: 07 September 2005 Priority Date: 17 September 2004 Att. Docket No.: P-9983-US For: A Waste Water Outlet Unit	:	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 14 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that the Transmittal Letter accompanying the petition includes authorization to charge fees to counsel's Deposit Account; accordingly, the petition fee and the required reply (in the form of the basic national fee) are being so charged. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed on 14 June 2007 is defective because it does not state the inventor's citizenship.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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2 5 NOV 2009

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27452
SCHLUMBERGER TECHNOLOGY CORPORATION
David Cate
IP DEPT., WELL STIMULATION
110 Schlumberger Drive, MD1
Sugar Land, TX 77478

In re Application of :
MICHAUX *et al* :
U.S. Application No.: 11/721,835 :
PCT No.: PCT/EP2005/013007 :
Int. Filing Date: 01 December 2005 :
Priority Date: 21 December 2004 : **DECISION**
Attorney Docket No.: 21.1256 :
For: FLUID LOSS CONTROL AGENTS AND :
COMPOSITIONS FOR CEMENTING :
OIL AND GAS WELLS COMPRISING :
SAID FLUID LOSS CONTROL AGENT :

This is a decision on matters before the United States Designated/Elected Office (DO/EO/US).

BACKGROUND

On 24 July 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee were required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 07 August 2009, applicants mailed a response which included a four-page declaration and the $130.00 surcharge fee.

On 24 August 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed indicating that the declaration did not comply with 37 CFR 1.497(a) and (b) because the individual declarations were combined. Applicants were given one month to respond, or any time remaining in the Form PCT/DO/EO/905 with extensions, whichever was longer.

On 01 September 2009, applicant resubmitted a copy of the four-page

declaration[1] previously submitted along with another $130.00 surcharge fee.

On 28 September 2009, DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) advising applicants that the 35 U.S.C. 371 requirements were satisfied on 01 September 2009.

DISCUSSION

Both declarations filed 07 August 2009 and 01 September 2009 are considered as composite declarations and unacceptable. They are comprised of one Page 1, two Page 2's and one Page 3.

While it is acceptable for inventors to execute separate copies of the oath or declaration, **the complete copy presented to each inventor must be returned to the Office**. *See* MPEP § 605.04(a).

CONCLUSION

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 28 September 2009 was sent in error, and is hereby **VACATED**.

Applicants have to provide a declaration in compliance with 37 CFR 1.497(a) and (b) prior to the expiration of the extendable time period given by the Form PCT/DO/EO/905 mailed 24 July 2009.

Failure to timely respond will result in the abandonment of the application.

The second surcharge fee of $130.00 will be credited back to Deposit Account No. 50-2183.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

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[1] The declaration filed 01 September 2009 did not have page numbers on the bottom center of each page. The page numbers appear to have been added after execution on the declaration filed 07 August 2009. This is not allowed. *See* 37 CFR 1.52(c)(1).

Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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2 4 AUG 2009

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IRVINE, CA 92614

In re Application of SUGIMOTO et al	:	
U.S. Application No.: 11/721,898	:	
PCT Application No.: PCT/JP2005/001369	:	
Int. Filing Date: 31 January 2005	:	
Priority Date Claimed: none	:	
Attorney Docket No.: TOYA158.002APC	:	DECISION
For: CARBON DIOXIDE ADSORBER FOR USE AT COMBUSTION OF FOSSIL FUEL, CONTAINING DRY POWDER OF PLANT FIBER	:	

This is in response to the declaration filed 15 June 2007, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 31 January 2005, applicant filed international application PCT/JP2005/001369. A copy of the international application was communicated to the USPTO from the International Bureau on 03 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 31 July 2007.

On 15 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and the present request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 15 June 2007 cannot be accepted because it fails to state one of the citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3) and the citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that a singular indication of citizenship in a signature box cannot be used for both purposes.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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2 4 DEC 2009

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In re Application of SUGIMOTO et al	:	
U.S. Application No.: 11/721,898	:	
PCT Application No.: PCT/JP2005/001369	:	
Int. Filing Date: 31 January 2005	:	
Priority Date Claimed: none	:	
Attorney Docket No.: TOYA158.002APC	:	DECISION
For: CARBON DIOXIDE ADSORBER FOR USE AT COMBUSTION OF FOSSIL FUEL, CONTAINING DRY POWDER OF PLANT FIBER	:	

This is in response to the renewed request for status under 37 CFR 1.42 filed 20 October 2009.

BACKGROUND

On 31 January 2005, applicant filed international application PCT/JP2005/001369. A copy of the international application was communicated to the USPTO from the International Bureau on 03 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 31 July 2007.

On 15 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a request for status under 37 CFR 1.42.

On 24 August 2009, this Office mailed a decision dismissing the 15 June 2007 request for status.

On 20 October 2009, applicant filed the present renewed request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 20 October 2009 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 31 January 2005, and a date under 35 U.S.C. 371(c) of 20 October 2009.

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

Bryan Lin

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WILMINGTON DE 19899

In re Application of BUSING et al. Serial No.: 11/721,913 PCT No.: PCT/EP05/13610 Int. Filing Date: 16 December 2005 Priority Date: 18 December 2004 Attorney's Docket No.: 14113-00101-US For: ELECTROLUMINESCENT POLYMERS AND USE THEREOF	DECISION ON DECLARATION UNDER 37 CFR 1.497(a) and (b)

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 15 June 2007 in the United States Patent and Trademark Office (USPTO).

On 15 June 2007, within the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and an executed declaration.

The declaration submitted by applicant is not in compliance with 37 CFR 1.497(a) and (b). While the declaration identified the application to which it was directed and identified the inventors as listed on the published international application, it did not identify the citizenship and mailing address for each inventor. To meet the requirements of 37 CFR 1.497(a) and (b), the declaration must identify the citizenship, residency and mailing address of all inventors. A newly executed declaration is required.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision.

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

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WORKMAN NYDEGGER/Leica
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60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/20/2010

Applicant	: Andreas Buehlmann	: DECISION ON REQUEST FOR
Patent Number	: 7643923	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/721,976	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **255** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Salt Lake City, UT 84111

Mail Date: 04/20/2010

Applicant	: Paul Benz	: DECISION ON REQUEST FOR
Patent Number	: 7623222	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/721,977	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **229** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

13 JUN 2008

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9300 Harris Corners Parkway
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Charlotte, NC 28269-3797

In re Application of	:	
OFFLAND, Colin Edward	:	
Application No.: 11/721,992	:	DECISION ON PETITION
PCT No.: PCT/GB2005/004174	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 28 October 2005	:	
Priority Date: 18 November 2004	:	
Attorney Docket No.: 1026/2US	:	
For: IMPROVEMENTS IN AND RELATING TO BALL GAMES APPARATUS	:	

The petition to revive under 37 CFR 1.137(b) filed 18 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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New York NY 10008-0770

In re Application of BROOKS et al. Application No.: 11/721,993 PCT No.: PCT/IL05/01381 Int. Filing Date: 27 December 2005 Priority Date: 27 December 2004 Attorney Docket No.: 06727/0207241-US0 For: FLOATING GASTROINTESTINAL ANCHOR	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on applicant's "Request to Correct Inventorship", filed in the United States Patent and Trademark Office (USPTO) on 26 February 2009 in the above referenced application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 18 June 2007, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 26 February 2009, applicant filed the instant request along with an executed declaration.

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(h); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Petitioner provided the statement of Eran Hirszowicz, the inventor to be added, in support of the correction of inventorship under 37 CFR 1.497(d). Applicant also filed an executed declaration. A review of the application file reveals that the petition fee of $130 was paid.

Applicant also submitted the written consent of the assignee to add Eran Hirszowicz an inventor.

With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Eran Hirszowicz as an inventor in the above-identified international application.

The declaration filed on 26 February 2009 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, all the inventors and provides their respective citizenship, residency and mailing address. The $65 surcharge for filing the declaration after the thirty month period has been paid.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add Eran Hirszowicz is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **26 February 2009.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571)272-3286
Facsimile: (571)273-0459

DATE AUG 3 1 2007

APPLICATION NUMBER 11721995

DOC CODE PE+DC

DOC DATE

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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5440 31ST STREET, N.W.
WASHINGTON DC 20015-1346

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OFFICE OF PETITIONS

In re Application of

CORMIER, Murphy J.
Application No. 11/721,995
Filed: June 18, 2007
Attorney Docket No. **0004.0038**

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 August 14, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the affidavit of inventor Murphy J. Cormier, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination.

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

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of Murphy J. Cormier Application No. 11/722,010 Filed: June 18, 2007 Attorney Docket No. 0004.0042	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 August 14, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded the "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

07 JUL 2009

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EMERGING STRATEGIES, LLP
7416 LYNNHURST STREET
CHEVY CHASE MD 20815-3102

In re Application of Murphy J. CORMIER et al. U.S. Application No.: 11/722,010 Date of Receipt: 18 June 2007 Attorney Docket No.: 0004.0042 For: COMPOUND FOR DENITRIFYING WASTEWATER	: : : : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed 05 January 2009 to treat the above-identified application as having been filed under 35 USC 371 and to subsequently issue a filing receipt, a Notice of Acceptance, and a Notice of Publication.

The petition is **DISMISSED**.

BACKGROUND

On 04 May 2007, petitioners filed international application number PCT/US07/68288, which claimed priority of earlier-filed U.S. provisional application 60/796,893.

A review of USPTO records reveals that international application PCT/US07/68288 was the basis for filing two further applications: the instant application, and application number 11/721,995 which is a National Stage Entry of PCT/US07/68288, now U.S. Patent 7,544,292.

DISCUSSION

35 USC 363 states:

> An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title. (emphasis added)

Further, 35 USC 371(b) states:

(b) Subject to subsection (f) of this section, **the** national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2), or under article 39(1)(a) of the treaty. (emphasis added)

As the language of 35 USC 363 and 371 refers to the national stage of an international application filed under the PCT in the singular only, the end result for an international application designating the United States is a single U.S. national stage application. Therefore, the submission of two different sets of application papers for the purpose of entering the national stage in the United States from international application PCT/US07/68288 is improper. As the USPTO has already accepted a national stage entry of PCT/US07/68288, it is necessary to file a petition (and petition fee required by 37 CFR 1.17(f)) under 37 CFR 1.182 to convert the instant application to an application under 35 USC 111(a)[1] at this time.

Once the application is converted to an application under 35 USC 111(a), petitioners are entitled, subject to 37 CFR 1.78 (a)(2)(ii), to claim benefit under 35 USC 120 and 365(c) of the filing date of the international application for the common subject matter, if the filing under 35 USC 111(a) and the international application designating the United States are copending application(s). In order to obtain benefit of the earlier international application, petitioner must amend the first line of the specification of the instant application by inserting a proper reference to the parent international application. The cross-reference to related applications in the instant application is improper because, upon renewed petition, the instant application would be regarded as a continuation under 35 USC 111(a) of the international application, rather than a national stage entry under 35 USC 371.

Moreover, since the correction will be submitted after the expiration of the time period required by 37 CFR 1.78(a)(2), the correction will have to be submitted as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 USC 120, 121, or 365(c) for the benefit of a prior-filed application and is required to be accompanied by the petition fee set forth in 37 CFR 1.17(t).

No further processing for the purposes of producing a filing receipt, a Notice of Acceptance, or a Notice of Publication will be undertaken at this time.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely reply will result in <u>ABANDONMENT</u> of the instant application.

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[1] Petitioners may wish to refer to MPEP 1896 for an explanation of the differences between an applications filed under 35 USC 111(a) and 371.

Telephone inquiries concerning this decision should be directed to BethAnne Dayoan at (571) 272-3209.

BethAnne Dayoan
Detailee
Office of PCT Legal Administration

Rafael Bacares
PCT Legal Examiner
Office of PCT Legal Administration

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EMERGING STRATEGIES, LLP
7416 LYNNHURST STREET
CHEVY CHASE MD 20815-3102

In re Application of Murphy J. CORMIER et al. U.S. Application No.: 11/722,010 Date of Receipt: 18 June 2007 Attorney Docket No.: 0004.0042 For: COMPOUND FOR DENITRIFYING WASTEWATER	:	DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182, filed 31 August 2009 to treat the above-identified application as having been filed under 35 USC 111(a) and to subsequently issue a filing receipt and a Notice of Publication. The petition was supplemented by an amendment to the specification on 09 October 2009.

The petition is **GRANTED**.

The instant petition was accompanied by the requisite petition fee of $400 for requesting under 37 CFR 1.182 processing of this application as a filing pursuant to 35 USC 111(a). The later-filed amendment to the specification removed applicants' claim to priority of provisional application 60/796,893 and subsequently-filed international application number PCT/US07/68288.

This application is being referred to the Office of Patent Application Processing for further processing as an application filed under 35 USC 111(a) and having a filing date of 18 June 2007.

Telephone inquiries concerning this decision should be directed to BethAnne Dayoan at (571) 272-3209.

BethAnne Dayoan
PCT Legal Analyst
Office of PCT Legal Administration

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

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In re Application of	DECISION ON
QVYJT, Fernando	
PCT No.: PCT/US2005/045131	
Application No.: 11/722,011	PETITION UNDER
Int. Filing Date: 12 December 2005	
Priority Date: 16 December 2004	
Attorney's Docket No.: 7802-00-HL	37 CFR 1.47(b)
For: Methods for Enhancing the Palatability of Food Compositions	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.47(b)" submitted on 22 August 2008 that seeks the acceptance of the application without the signature of the sole-inventor Fernando QVYJT. Petitioner has been charged the requisite $200 petition fee to the Deposit Account No.: 7802-00-HL.

BACKGROUND

On 12 December 2005, applicant filed international application PCT/US2005/045131, which claimed priority to an earlier application filed on 16 December 2004.

On 18 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 22 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date." The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), applicant filed on 22 August 2008 a petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (1) - (3), and but not items (4) - (6) thus not completing the requirements under 37 CFR 1.47(b).

Applicant has satisfied item (1) since the petition fee of $200.00 has been charged to petitioner Deposit Account.

Regarding item (2), the statements by Ms. McGarrah states that she mailed on 22 October 2007 the application papers and an assignment to Mr. Qvyjt and on 5 May 2008 she mailed a second set of application papers because the first set had missing pages. On 27 May 2008 and 10 June 2008 Ms. Briscoe reminded Mr. Qvyjt that they had not received the signed documents and Mr. Qvyjt responded that it was being sent to Ian Cook (President and Chief Executive Officer of Colgate-Palmolive Company). On 19 June 2008 they reminded him again and he responded on 22 June 2008 that he would sent it directly to Ian Cook., however, nothing has been received from Mr. Qvyjt and no new attorney information could be found.

Consequently, the petition does include sufficient factual proof that Mr. Qvyjt refuses to sign the required papers.

Regarding item (3), applicant has stated the last known address of the inventor:

Fernando QVYJT
1950 Ridgeway Road
Memphis, TN 38119

Regarding item (4) a declaration has not been provided executed by an appropriate officer of the company on behalf of the non-signing sole inventor, Mr. QVYJT.

Regarding item (6) applicant has not presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) applicant has not submitted proof that applicant has sufficient proprietary interest in the application. Ms. Shannon's statement is not sufficient without corroborating evidence since there is no copy of the assignment (signed assignment by inventor Mr. QVYJT) provided with this petition. Although, a non-disclosure agreement has been provided signed by Mr. QVYJT, and mentions assigning to HILL's on paragraph 2, this not sufficient because is not a properly executed assignment agreement in which Mr. QVYJT agrees to assign the invention to petitioner but rather the document is focus on the non-disclosure of the invention.

If the application has been assigned, a copy of the assignment must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office.

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by affidavit or declaration that those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Note MPEP 409.03(f)

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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In re Application of	DECISION ON
QVYJT, Fernando	
Application No.: 11/722,011	
PCT No.: PCT/US2005/045131	
Int. Filing Date: 12 December 2005	PETITION UNDER
Priority Date: 16 December 2004	
Attorney's Docket No.: 7802-00-HL	
For: Methods for Enhancing the Palatability	
of Food Compositions	37 CFR 1.47(b)

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed on 20 March 2009 that seeks the acceptance of the application without the signature of the sole inventor Fernando QVYJT.

BACKGROUND

In a decision from this Office on 20 November 2008, the petition filed under 37 CFR 1.47(b) on 22 August 2008 was dismissed. The decision indicated that items (4) - (6) were not met.

On 20 March 2009, applicant submitted a "Renewed Petition Pursuant 37 CFR 1.47(b)" requesting reconsideration of the decision of 20 November 2008.

DISCUSSION

Petitioner has now satisfied items (4), and (6) of 37 CFR 1.47(b) but not item (5).

Regarding item (4), a properly executed declaration has been provided on behalf of the nonsigning inventor Mr. Qvyjt.

Regarding item (6) petitioner has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5), petitioner has still not submitted proof that applicant has sufficient proprietary interest in the application. Although no copy of an executed assignment has been filed, petitioner has submitted a copy of the "Non-Disclosure Agreement," where Mr. Qvyjt agrees to assign to Hill's Pet Nutrition all his rights to said invention.

When a petitioner relies on agreement in which an inventor agrees in writing to assign an invention, petitioner must established by affidavit or declaration from 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. In this instance, Mr. QVYJT worked for Hill's Pet Nutrition (a subsidiary of Colgate-Palmolive Company), but the affidavit provided is by Ms. McGarrah an employee of Colgate-Palmolive Company. As a result, Ms. McGarrah firsthand knowledge is not sufficient because it appears to be based on reviewing the copies of the business records of Hill's Pet Nutrition. Inc. rather than actual firsthand knowledge of Mr. QVYJT's work at Hill's Pet Nutrition that led to the invention. What is required is a person, who has actual firsthand knowledge of the facts that Mr. QVYJT's invention was made during his employment at Hill's Pet Nutrition.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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In re Application of QVYJT, Fernando Application No.: 11/722,011 PCT No.: PCT/US2005/045131 Int. Filing Date: 12 December 2005 Priority Date: 16 December 2004 Attorney's Docket No.: 7802-00-HL For: Methods for Enhancing the Palatability of Food Compositions	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed on 28 September 2009 that seeks the acceptance of the application without the signature of the sole inventor Fernando QVYJT.

BACKGROUND

In a decision from this Office on 26 June 2009, the petition filed under 37 CFR 1.47(b) on 20 March 2009 was dismissed. The decision indicated that item (5) was not met.

On 28 September 2009, applicant submitted a "Renewed Petition Pursuant 37 CFR 1.47(b)" requesting reconsideration of the decision of 20 November 2008, which is accompanied with a declaration by Gary Semjenow.

DISCUSSION

Petitioner has now satisfied item (5) of 37 CFR 1.47(b).

Regarding item (5), petitioner has submitted proof that applicant has sufficient proprietary interest in the application. Petitioner has submitted a copy of the "Non-Disclosure Agreement," where Mr. Qvyjt agrees to assign to Hill's Pet Nutrition all his rights to said invention, and a statement from Mr. Semjenow who has first hand knowledge that Mr. QVYJT's invention was made during his employment at Hill's Pet Nutrition.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

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

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **11 November 2008.**

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Fernando QVYJT
1950 Ridgeway Road
Memphis, TN 38119

In re Application of
QVYJT, Fernando
Application No.: 11/722,011
PCT No.: PCT/US2005/045131
Int. Filing Date: 12 December 2005
Priority Date: 16 December 2004
Attorney's Docket No.: 7802-00-HL
For: Methods for Enhancing the Palatability of Food Compositions

Dear Mr. QVYJT:

Your husband is named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, he will be designated as an inventor.

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

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PCT Legal Office
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Facsimile: (571) 273-0459

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/01/10

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction for Appl. No.: 11722033 Patent No.: 7635576

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: _____

GARY B. NICKOL, PH.D.
~~SUPERVISORY PATENT EXAMINER~~
SPE
TECHNOLOGY CENTER 1600

1647
Art Unit

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

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OFFICE OF PETITIONS

In re Application of
LECOMTE, Emmanuel et al.
Application No. 11/722,039
Filed: October 29, 2007
Attorney Docket No. **26253**

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 16, 2009.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. has been revoked by the assignee of the patent application on November 12, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **OWENS CORNING**
2790 COLUMBUS ROAD
GRANVILLE OH 43023

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WRB-IP LLP
1217 KING STREET
ALEXANDRIA VA 22314

In re Application of	:	
RYDEN, et al.	:	
U.S. Application No.: 11/722,047	:	DECISION ON PETITION
PCT No.: PCT/SE04/01929	:	
Int. Filing Date: 16 December 2004	:	UNDER 37 CFR 1.182
Priority Date: None	:	
Attorney's Docket No.: 000009-126	:	
For: ARRANGEMENT FOR UNDERRUN PROTECTION IN VEHICLES	:	

This decision is in response to applicant's "Petition to Change Inventor's Name Under 37 C.F.R. 1.182 " filed 24 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 December 2004, applicant filed international application PCT/SE04/01929. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 22 June 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 June 2007.

On 18 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First preliminary amendment. Applicant did not file an executed oath or declaration of the inventor.

On 12 March 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 17 March 2008, applicant filed an executed combined declaration.

On 02 September 2008, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the filed declaration did not comply with 37 CFR 1.497 (a) and (b) and thus was not a proper response to the Form

PCT/DO/EO/905 mailed 12 March 2008. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or the extendable time remaining in the response period set forth in the Form PCT/DO/EO/905, whichever was longer.

On 24 September 2008, applicant filed the present petition under 37 CFR .1182 to change the name of inventor Jorge Ryden nee Andersson.

DISCUSSION

The present petition is accompanied by a declaration setting forth the procedure whereby the change of name was effected; namely by marriage. The declaration is executed by Mr. Ryden identifying his current married name and his former name. As such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Jorge Andersson to Jorge Ryden is **GRANTED**.

The application has an international filing date of 16 December 2006 under 35 U.S.C. 363 and will be given a date of **17 March 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Derek A. Putonen
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HYUN JONG PARK
41 WHITE BIRCH ROAD
REDDING CT 06896-2209

In re Application of	:	
HONG	:	
Application No.: 11/722,087	:	COMMUNICATION
Filing Date: 18 June 2007	:	
Attorney Docket No.: 0144-P0009A	:	
For: WINDMILL-TYPE ELECTRIC GENERATION	:	
SYSTEM	:	

This communication is in response to applicant's papers filed 18 June 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 June 2007, applicant electronically filed an application with the USPTO. Applicant selected the radio button "U.S. National Stage under 35 USC 371. Applicant provided payment of the U.S. basic national fee, an executed declaration of the inventor and a "Utility Patent Application Transmittal" (Form PTO/SB/05).

DISCUSSION

Applicant's transmittal letter (Form PTO/SB/05) filed 18 June 2007 requested treatment under 35 U.S.C. 111(a) for a new nonprovisional application under 37 CFR 1.53(b) as a "U.S. Application." However, applicant also selected the radio button "U.S. National Stage under 35 USC 371 in the EFS-Web electronic filing system. Thus, it is unclear what type of application applicant was intending to file. Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). (See 37 CFR 1.494(f) and 37 CFR 1.495(g)). In addition, section 1893.03(a), page 1800-114 of the MPEP states that "[i]f there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a)." As such, the application will be treated as an application under 35 U.S.C. 111 and 37 CFR 1.53.

Applicant may be entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, if this application (Application No. 11/722,087) and the international application (PCT/KR06/00999) designating the United States were copending on 18 June 2007. In order to obtain benefit of the earlier international application, applicant must amend the beginning of the specification of this application by inserting a proper reference to the parent international application. An appropriate passage would be, "This is a continuation of international application PCT/KR06/00999, filed 20

March 2006 which designated the United States and is now abandoned."

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau for the national stage cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

It is also noted that, should applicant desire the present application to be treated as a continuation of the PCT application, the claim of benefit to the international application must be in compliance with the requirements of 37 CFR 1.78.

In addition, applicant is advised that it is possible to revive the present international application in the National Stage in the United States pursuant to 37 CFR 1.137(b). This advice should not be construed as a statement as to whether said petition will be granted.

CONCLUSION

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for processing of the application pursuant to 35 U.S.C. 111(a).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,125	10/12/2007	Atsushi Takahashi	309615US8PCT	6712

22850 7590 07/19/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
KALAFUT, STEPHEN J

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
07/19/2010	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):

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

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JUL 19 2010

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Mailed :	:	
In re Application of	:	DECISION ON
Takahashi et al.	:	PETITION
Serial No. 11/722,125	:	
Filed: October 12, 2007		
For: Battery Case		

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on June 24, 2010 to consider the Information Disclosure Statement (IDS) that was filed on June 19, 2007. The Examiner did consider the IDS however the reference listed under "AP" was crossed out. The record does not indicate why the Examiner did not consider the reference. The Reference "AP" (EP 1 071 147) is an English document that is equivalent to US Patent 6,225,778 which is in conformity with the requirements of 37 CFR 1.97-1.98.

DECISION

Accordingly, the petition is **GRANTED**.

The Examiner is requested to consider the reference"AP" on the IDS that was filed June 19, 2007 and to make of record the consideration of that reference.

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

Bradley D. Lytle
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
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0 9 OCT 2007

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

In re Application of LEE et al. Application No.: 11/722,173 PCT No.: PCT/KR06/03941 Int. Filing Date: 29 September 2006 Priority Date: 07 October 2005 Attorney Docket No.: KSIN129570 For: A NEUTRON COINCIDENCE COUNTER FOR NON-DESTRUCTIVE ACCOUNTING FOR NUCLEAR MATERIAL....	DECISION ON DECLARATION

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 19 June 2007 in the above referenced application.

BACKGROUND

On 29 September 2006, applicant filed international application PCT/KR06/03941, claiming a priority date of 07 October 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 19 April 2007. The deadline for entry into the national stage in the United States was 07 April 2008.

On 19 June 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee and submitted declaration executed by the inventors.

DISCUSSION

The declaration submitted on 19 June 2007 appears to be signed by some of the inventors. However, the declaration raises some questions. There are two signatures on the signature line for the sixth named inventor Sang Yoon Lee. The first signed name appears to read "Kim", which does not correspond to Sang. There is a second signature, which follows the first and is illegible. Moreover, there is a circle drawn around the second signature and a line with an arrow directed to the signature line for inventor Joong Hwan Jeong. The initials "J.J." appear next to the arrow. These markings raise questions as to who executed the declaration on behalf of inventors Joong Hwan Jeong and Sang Yoon Lee. The presence of two signatures on the signature line for Sang Yoon Lee is confusing and requires an explanation.

CONCLUSION

Applicant should provide an explanation of the two signatures on the signature line for the sixth inventor. Applicant may wish to provide a new declaration, in compliance with 37 CFR 1.497(a) and (b) and executed by the fifth and sixth inventors, Joong Hwan Jeong and Sang Yoon Lee.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration

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

2 2 APR 2008

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1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

In re Application of LEE et al. Application No.: 11/722,173 PCT No.: PCT/KR06/03941 Int. Filing Date: 29 September 2006 Priority Date: 07 October 2005 Attorney Docket No.: KSIN129570 For: A NEUTRON COINCIDENCE COUNTER FOR NON-DESTRUCTIVE ACCOUNTING FOR NUCLEAR MATERIAL....	DECISION ON DECLARATION

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 19 June 2007 in the above referenced application.

On 19 June 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee and submitted declaration executed by the inventors.

On 09 October 2007, a decision on the declaration was mailed to applicant, requiring an explanation of the signatures of the fifth and sixth inventors because the presence of two signatures on the signature line for Sang Yoon Lee is confusing and required an explanation.

On 09 November 2007, applicant submitted a declaration, which was newly executed by the fifth and sixth inventors.

The declaration submitted on 09 November 2007 is signed by fifth and sixth inventors Joong Hwan Jeong and Sang Yoon Lee. The declarations are in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 09 November 2007.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

14 OCT 2009

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CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND OR 97204-3157

In re Application of: CONREUX U.S. Application No.: 11/722,177 PCT No.: PCT/FR2005/002877 International Filing Date: 18 November 2005 Priority Date: 20 December 2004 Attorney's Docket No.: 0537.0156 For: COMMUNICATING ELECTRONIC KEY FOR SECURE ACCESS TO A MECATRONIC CYLINDER	DECISION

This is in response to "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 28 April 2009 which is being treated as a Petition to Withdraw from Representation under 37 CFR 1.36. No petition fee is required.

DISCUSSION

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record . . . appropriate procedure will be followed pertaining to the withdrawal. The withdrawal is effective when approved rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another.

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been met, Petition to Withdraw from Representation under 37 CFR 1.36 is **GRANTED** and is effective as of the mail date of this decision.

As an assignment nor statement under 37 CFR 3.73(b) have been filed all communications will be forwarded to the first listed inventor:

Stephane Conreux
26 rue de Picpus
F-75012 Paris
FRANCE

CONCLUSION

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

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

cc: Stephane Conreux
26 rue de Picpus
F-75012 Paris
FRANCE

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26530
LADAS & PARRY LLP
224 South Michigan Ave.
Suite 1600
Chicago, IL 60604

In re Application of
CHOI *et al*
U.S. Application No.: 11/722,215
PCT No.: PCT/KR2006/000308
Int. Filing Date: 26 January 2006
Priority Date: 26 January 2005
Attorney Docket No.: CU-5788 WWP
For: CONTENTS EXECUTION DEVICE EQUIPPED WITH INDEPENDENT AUTHENTICATION MEANS AND CONTENTS RE-DISTIBUTION METHOD

DECISION

This is a decision on the papers filed 09 July 2008.

BACKGROUND

On 20 June 2007, applicants filed papers to enter the national stage of PCT/KR2006/000308 which was accompanied by, *inter alia*, an executed declaration.

On 14 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating the declaration submitted was not in compliance with 37 CFR 1.497(a) and (b) because several names recorded on the declaration do not coincide with the names on the international application. Applicants were given two months to comply with extensions of time available pursuant to 37 CFR 1.136(a).

On 09 July 2008, applicants filed the subject response.

DISCUSSION

In the response filed 09 July 2009, applicants claim that the "Declaration and Application Data Sheet documents, . . . , corrected the *transliteration* errors in the spelling of the inventors' names from those appearing in the PCT international application."

Section 201.03 of the Manual of Patent Examining Procedure (MPEP) states that

where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A petition under 37 CFR 1.48 (or 37 CFR 1.497(d)) is not required.

Applicants' explanation meets the requirements of the MPEP and is sufficient to explain the name differences between the declaration and the international publication.

CONCLUSION

For the reasons discussed above, the declaration filed 20 June 2007 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 January 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 20 June 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

In re Application of	:	APR 26 2010
YAMASHITA, TAKASHI et al.	:	
Application No.: 11/722,251	:	DECISION ON
Filing or 371(c) Date: June 20, 2007	:	PETITION
Attorney Docket Number: 310534US0PCT	:	

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR § 1.81 (a), received in the United States Patent and Trademark Office (USPTO) April 16, 2010.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed December 8, 2009 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on April 2, 2010.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on March 8, 2010. Petitioner submitted a request for continued examination (RCE) dated December 28, 2009.

In view of the above, the holding of abandonment is hereby withdrawn. The application will be forwarded back to the examiner for examination.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

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18 JUL 2007

22850
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, PC
1940 Duke Street
Alexandria, VA 22314

In re Application of :
HANS *et al* :
Application No.: 11/722,301 :
PCT No.: PCT/EP2005/013372 :
Int. Filing Date: 13 December 2005 :
Priority Date: 13 December 2004 : **DECISION**
Attorney's Docket No.: 304790US0X PCT :
For: MUTANT OF THE PROB GENE FROM :
CORYNEFORM BACTERIA :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 22 June 2007, applicant filed papers using the EFS-Web system to enter the national stage of PCT/EP2005/013372 using attorney docket number 304879US0X PCT. This application was accompanied by, *inter alia*, authorization to pay the required fees to a credit card and charge any additional fees or credit any additional fees to Deposit Account No. 07-1180. This application was given U.S. application number 11/722,301.

On 22 June 2007, applicant filed papers for a second national stage application of PCT/EP2005/013372 with different claims using attorney docket number 30476US0X. The second filing was treated as a separate national stage application for PCT/EP2005/013372 and was denoted as U.S. application number 11/722,534.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/EP2005/013372. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/EP2005/013372.

Applicants must use only U.S. application No. **11/722,301** for all correspondence to the national stage application of PCT/EP2005/013372.

Applicants are advised that U.S. application No. 11/722,534 is no longer a valid U.S. National stage application. The fees charged in U.S. application No. 11/722,534 have been refunded to the credit card.

The claims submitted with the papers filed with attorney docket number 304879US0X PCT are the claims of the national stage application. Applicant may submit a preliminary amendment to amend the claims pursuant to 37 CFR 1.121.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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14 NOV 2008

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of	:	
YUN, et al.	:	DECISION ON PETITION
Serial No.: 11/722,317	:	
PCT No.: PCT/KR05/04429	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 21 December 2005	:	
Priority Date: 21 December 2004	:	
Atty Docket No.: CU-5754 WWP	:	
For: ISOLATION ANTENNA FOR REPEATER	:	

This decision is in response to applicant's petition under 37 C.F.R. § 1.47 filed 15 September 2008 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Seung-Won Kim. Applicant has authorized the charging of the petition fee to deposit account number 12-0400.

BACKGROUND

On 21 December 2005, applicant filed international application PCT/KR05/04429 which claimed priority to an earlier application filed 21 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 June 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 June 2007.

On 20 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet; English translation of the international application and an information disclosure statement.

On 11 March 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 15 September 2008, applicant filed the present petition under 37 CFR 1.47(a) accompanied by payment of a four-month extension of time fee of $820.00.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items1, 3 and 4.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."
>
> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47... The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as Internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should include a statement of facts. It is important that the statement contain facts as opposed to conclusions.

In support of the petition applicant has included a statement of facts from Loren K. Thompson detailing the mailing of a declaration and assignment document to the non-signing inventor. However, an examination of the statement of facts and supporting exhibits finds that these papers (the mailed letter and subsequent email communications) did not contain a complete set of application papers and the letter was returned as undeliverable. As the letter was returned unopened, the silence of the inventor cannot be interpreted as a refusal to sign. Instead, applicant must show that a diligent effort has been made to locate Mr. Kim. Applicant has not included any documentary evidence to support the contention that the inventor cannot be located. The

statement merely indicates that "Furthermore, the joint inventors and the assignee of the present application are not aware of other correspondence information for Mr. Seung-Won Kim" As shown above, documentary evidence is necessary for proceeding pursuant to 37 CFR 1.47.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 FEB 2009

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United States Patent and Trademark Office
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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of	:	
YUN, et al.	:	DECISION ON PETITION
Serial No.: 11/722,317	:	
PCT No.: PCT/KR05/04429	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 21 December 2005	:	
Priority Date: 21 December 2004	:	
Atty Docket No.: CU-5754 WWP	:	
For: ISOLATION ANTENNA FOR REPEATER	:	

This decision is in response to applicant's renewed petition under 37 C.F.R. § 1.47 filed 23 December 2008 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Seung-Won Kim.

BACKGROUND

On 14 November 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 23 December 2008, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 14 November 2008, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items1, 3 and 4.

Regarding item (2), with the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining item. Specifically, applicant has provided a statement from Mr. Hyang-Sil Kim detailing the diligent efforts taken to locate the missing inventor. In addition, applicant has included the search results of the attempts to locate a current, updated address for Mr. Kim. As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 21 December 2005 under 35 U.S.C. 363, and will be given a date of **15 September 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

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09 FEB 2009

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Mr. Seung-Won Kim
#105-202 Kukhwa Apt.,
Samcheon-dong, Seo-qu
Daejon 302-222
REPUBLIC OF KOREA

In re Application of
YUN, et al.
Serial No.: 11/722,317
PCT No.: PCT/KR05/04429
Int. Filing Date: 21 December 2005
Priority Date: 21 December 2004
Atty Docket No.: CU-5754 WWP
For: ISOLATION ANTENNA FOR REPEATER

Dear Mr. Kim:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Loren K. Thompson
Ladas & Parry, LLP
224 South Michigan Avenue
Chicago, Illinois
UNITED STATES OF AMERICA

2 9 APR 2008

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NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER NJ 07936-1080

In re Application of	:	
FENG, Lili et al.	:	
Application No.: 11/722,360	:	DECISION
PCT No.: PCT/US2006/043710	:	
Int. Filing Date: 08 November 2006	:	ON REQUEST UNDER
Priority Date: 09 November 2005	:	
Attorney's Docket No.: 34579-US-NP	:	37 CFR 1.497(d)
For: ORGANIC COMPOUNDS	:	

This decision is in response to request under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 15 January 2008. It has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 21 June 2007, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventors.

On 15 January 2008, applicant filed this request accompanied by a new declaration of the inventors, adding an additional inventor.

DISCUSSION

Applicant files this request to add Thomas J. Blacklock, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied. Applicants provided a statement by Thomas J. Blacklock, the processing fee and the consent of the assignee.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Stage Processing Branch of PCT Operations for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 15 January 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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Mark S. Walker
IBM Corporation – Intellectual Property Law
11400 Burner Road
Austin, TX 78758

In re Application of	:	
Staiger	:	
Serial No.: 11/722,391	:	
PCT Application No: PCT/EP2005/053444	:	DECISION ON
Int. Filing Date: 18 July 2005	:	PETITION
Priority Date: 11 November 2004	:	UNDER 37 CFR 1.137(b)
Attorney's Docket No.: DE920040037US1	:	
For: CONCURRENT FLASHING OF DATA	:	
PROCESSING UNITS IN HIERARCHICAL	:	
NETWORKS	:	

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b), filed 21 June 2007.

BACKGROUND

On 18 July 2005, applicants filed international application PCT/EP2005/053444, which claimed priority of an earlier European application that was filed 11 November 2004. Accordingly, the thirty-month period for filing a continuation application in the United States expired at midnight on 11 May 2007.

On 21 June 2007, applicants filed a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, a declaration of inventorship, the basic national fee and the current petition under 37 CFR 1.137(b). These papers were assigned U.S. Serial No. 11/722,391.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m), and (4) if the international filing date of the application is before June 8, 1995, any petition to

revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55.

The instant petition is accompanied by a statement, a proper reply and the proper petition fee. Therefore, the petition to revive is granted.

CONCLUSION

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

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision; and, if appropriate, a Notification of Acceptance of Application (Form PCT/DO/EO/903) will be mailed showing a 35 U.S.C. 371 date of 21 June 2007.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE CA 95109-0005

In re Application of:		
SCHERRER, Urs, et al.	:	DECISION ON PETITION
U.S. Application No.: 11/722,406	:	(37 CFR 1.47(a))
PCT No.: PCT/EP2005/013777	:	
Int'l Filing Date: 21 December 2005	:	
Priority Date: 24 December 2004	:	
Attorney's Docket No.: GREG-003	:	
For: COMPOUNDS FOR TREATING	:	
METABOLIC SYNDROME	:	

This decision is issued in response to the petition under 37 CFR 1.47(a) filed 04 September 2008. Applicant has provided payment of the $200 petition fee.

BACKGROUND

On 21 December 2005, applicants filed international application PCT/EP2005/013777. The international application claimed a priority date of 24 December 2004, and it designated the United States. On 29 June 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 24 June 2007.

On 21 June 2007, applicants filed a Transmittal Letter for entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an Application Data Sheet.

On 04 September 2008, applicants filed the petition under 37 CFR 1.47(a) considered herein. The petition was accompanied by a declaration executed by co-inventor Anna Sparatore and seeks acceptance of the application without the signature of the other co-inventor, Urs Scherrer, whom applicants assert has refused to sign the application documents.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration by the other inventors on behalf of the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

The petition includes payment of the required petition fee and an express statement of the non-signing inventor's last known address. Accordingly, items (1) and (2) are satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by co-inventor Anna Sparatore including an unsigned signature box identifying the non-signing inventor. This declaration is treated as having been executed by the available inventor on her own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), applicants have submitted a statement from Mr. Edgardo Ferrari, with accompanying documents, as evidence that the non-signing inventor has refused to execute the declaration. This submission includes the required firsthand statement that the nonsigning inventor has been provided with a request for signature, accompanied by a copy of the complete application (including specification, drawings and claims), and that the inventor has failed to execute the required documents, as requested. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted under 37 CFR 1.47(a) without the signature of inventor Urs Scherrer.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at the last known address set forth in the petition, and notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision and then back to Group Art Unit 1625 for continued examination.

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

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Urs Scherrer
CHUV
Service de Medecine interne B
BH 10.642
CH-1011 Lausanne
SWITZERLAND

In re Application of: SCHERRER, Urs. et al.
U.S. Application No.: 11/722,406
PCT No.: PCT/EP2005/013777
Int'l Filing Date: 21 December 2005
Priority Date: 24 December 1994
Attorney's Docket No.: GREG-003
For: COMPOUNDS FOR TREATING METABOLIC SYNDROME

Dear Mr. SCHERRER:

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

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

Derek A. Putonen
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Office Of PCT Legal Administration
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Counsel Of Record:
SCHNECK & SCHNECK
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Warren Thomas Johnson et al.	:	
Application No. 11/722,411	:	DECISION ON PETITION
Filed: June 21, 2007	:	
Attorney Docket No. 2005P11353WOUS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 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 7, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 8, 2009. A Notice of Abandonment was mailed on December 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 an amendment, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay. Accordingly, the amendment is 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 Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received March 19, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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EVAN LAW GROUP LLC
600 WEST JACKSON BLVD, SUITE 625
CHICAGO IL 60661

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Jiachong CHENG, et al	:	
Application No. 11/722,412	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO WITHDRAW
Attorney Docket No. WKG10-023-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 May 18, 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.

In this regard, the request to withdraw from record cannot be approved because no change of address for future communications from the Office has been provided.

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

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

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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WORKMAN NYDEGGER/Leica
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60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/20/2010

Applicant	: Peter A. Stegmaier	: DECISION ON REQUEST FOR
Patent Number	: 7610687	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/722,445	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/04/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **40** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Law Department
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Linden, New Jersey 07036-0710

In re Application of	DECISION ON
LAWRENCE et al	
PCT No.: PCT/EP2005/013422	
Application No.: 11/722,491	
Int. Filing Date: 13 December 2005	PETITION UNDER
Priority Date: 24 December 2004	
Attorney's Docket No.: PF2004M023	
For: Lubricating Systems	37 CFR 1.47(a)

This is in response to the "PETITION TO PERMIT FILING OF A ... OR DECLARATION (37 C.R.F. § 1.47(b))," which is being treated as a petition under 37 CFR 1.47(a) filed on 10 October 2008. The $200.00 petition fee has been not been provided by petitioner.

BACKGROUND

On 13 December 2005, applicants filed international application PCT/EP2005/013422, which claimed priority to an earlier application filed 24 December 2004. The thirty (30) month time period for paying the basic national fee in the United States of America expired at midnight on 24 June 2007.

On 21 June 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 10 October 2008, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the two inventors, i.e., without the signature of Brian LAWRENCE.

DISCUSSION

Petitioner's petition under 37 CFR 1.47(b) is improper because this petition is for the circumstance when all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort. In this situation two of the four inventors signed the declaration. Accordingly, the petition has been treated under 37 CFR 1.47(a).

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § **1.17(h)**, and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § **1.63**.

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

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

> refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (3) and (4) of 37 CFR 1.47(a). However, items (1) and (2) have not been satisfied.

Regarding item (1), petitioner has not provided the complete fee of $200.00 under 37 CFR 1.17(g).

Regarding item (2), Mr. Levine states that Brian Lawrence has been presented with a copy of the application papers and has failed to respond to the request to sign the declaration as evidence by his email on September 07, 2008. Mr. Lawrence's email, however, vaguely refers to "requesting my signature on some outstanding patent applications" but it is unclear if that email refers to the above application since it is not mentioned anywhere. Therefore, it is unclear if the documents were actually mailed to him and received by the non-signing inventor or how the application papers were presented to Mr. Lawrence because no documentary evidence to support this assertion has been provided such as a signed postal receipt, or the postal receipt showing delivery and cover letter addressed to Mr. Lawrence instructing him what to do, or other evidentiary proof that clearly shows that he received aforementioned application and refused to sign to require documents.

In addition, it is unclear if Mr. Levine has first hand knowledge of the above facts with regard to the nonsigning inventor, if he doesn't then petitioner needs to submit statements, with specific facts on the actions referred above in mailing the application papers by persons who have first-hand knowledge of such facts.

The current record does not sufficiently establish Mr. Lawrence refusal to join in the patent application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required papers.

Consequently, the petition has not met the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

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

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Law Department
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In re Application of	DECISION ON RENEWED
LAWRENCE et al	
Application No.: 11/722,491	
PCT No.: PCT/EP2005/013422	
Int. Filing Date: 13 December 2005	PETITION UNDER
Priority Date: 24 December 2004	
Attorney's Docket No.: PF2004M023	
For: Lubricating Systems	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION TO PERMIT ... OATH OR DECLARATION (37 CFR 1.47(a))" filed on 18 June 2009. The petition fee has now been paid.

BACKGROUND

In a decision from this Office on 23 January 2009, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (1) and (2) had not been satisfied.

On 18 June 2009, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 23 January 2009 with respect to accepting the above application without the signature of Mr. Brian Lawrence.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 18 June 2009 satisfies items (1) and (2) under 37 CFR 1.47(a).

Regarding item (1), petitioner has now paid the petition fee of $200.00 under 37 CFR 1.17(g)

Regarding item (2), a statement by Richard Joseph Hart, who has first-hand knowledge of the facts states (paragraph 6 of his declaration) that the application papers of the aforementioned application was sent to Mr. Brian Lawrence on September 28, 2007 for his reviewed and to sign the required papers but Mr. Lawrence has not returned the required papers. Mr. Hart then states that a second (May 9, 2008) and third (July 17, 2008) letters were to Mr. Lawrence reminding him to sign the required papers.

Consequently, at this time it can be concluded that Mr. Lawrence has refused to sign the documents.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **10 October 2008.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
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Brian Lawrence
23 Lady Place
Sutton Cortenay
Oxfordshire OX14 4FB
United Kingdom

In re Application of
LAWRENCE et al
PCT No.: PCT/EP2005/013422
Application No.: 11/722,491
Int. Filing Date: 13 December 2005
Priority Date: 24 December 2004
Attorney's Docket No.: PF2004M023
For: Lubricating Systems

Dear: Mr. Lawrence,

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

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

Rafael Bacares
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Alexandria, VA 22313-1450
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1 4 APR 2008

Dickstein Shapiro LLP
1177 Avenue of the Americas (6th Avenue)
New York, NY 10036-2714

In re Application of
TOVAR et al. :
Application No.: 11/722,492 : DECISION
PCT No.: PCT/EP05/12972 :
Int. Filing Date: 03 December 2005 :
Priority Date: 24 December 2004 :
Attorney Docket No.: G5005.0041 :
For: THREE-DIMENSIONAL NANOSTRUCTURED AND MICROSTRUCTURED SUPPORTS

This decision is issued in response to applicants' Request for Corrected Filing Receipt filed in the United States Patent and Trademark Office (USPTO) on 12 February 2008, which is being treated as a Petition under 37 CFR 1.181. No petition fee is required.

The above-identified application received an Official Filing Receipt which indicated, "[t]his application is (35 U.S.C.) 371 of PCT/EP05/12972 (filed) 12/02/2005."

Applicants state in the present request that the correct filing date of PCT/EP05/12972 is 03 December 2005. Based on the "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" (Form PTO-1390) submitted by the applicant on 21 June 2006, the international filing date for PCT/EP05/12972 was entered into the PALM database as 02 December 2005. However, a review of the published international application reveals that the international filing date for PCT/EP05/12972 is 03 December 2005. Therefore, applicants' request for a corrected filing receipt is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for: (1) issuing a corrected filing receipt; (2) issuing a corrected Notification of Acceptance (Form/DO/EO/903); and (3) correcting PALM database for application no. 11/722,492 indicating that this is the national stage application of PCT/EP05/12972 filed 03 December 2005.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,495	11/24/2009	Klaus-Robert Müller	16275.5	9682

22913 7590 06/21/2010
Workman Nydegger
1000 Eagle Gate Tower
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EXAMINER
NGUYEN, VINCENT Q

ART UNIT	PAPER NUMBER
2831	

MAIL DATE	DELIVERY MODE
06/21/2010	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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Salt Lake City UT 84111

Applicant: Muller et al.
Appl. No.: 11/722,495
Filing Date: November 24, 2009
Title: SENSOR SYSTEM AND METHODS FOR THE CAPACITIVE MEASUREMENT OF ELECTROMAGNETIC SIGNALS HAVING A BIOLOGICAL ORIGIN
Attorney Docket No.: 16275.5
Pub. No.: US 2010/0060300 A1
Pub. Date: March 11, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on June 11, 2010, for the above-identified application.

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

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

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

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

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

By facsimile: 571-273-8300

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

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

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Adjustment date: 06/22/2010  KKING1
06/14/2010 INTEFSW  00000811 11722495
01 FC:1504                        -300.00 OP


Refund Ref:
06/22/2010            0030085220
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Credit Card Refund Total:      $300.00

VISA....: XXXXXXXXXXXX4802
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,496	03/21/2008	Colin Campbell Marshall Moore	ADAM-42461	9692

86378 7590 01/20/2010
Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

EXAMINER
BUMGARNER, MELBA N

ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
01/20/2010	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):

patdocket@pearne.com
dchervenak@pearne.com

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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of	:
MOORE, COLIN CAMPBELL MARSHALL	: DECISION ON REQUEST TO
Application No. 11/722,496	: PARTICIPATE IN PATENT
Filed: March 21, 2008	: PROSECUTION HIGHWAY
Attorney Docket No. ADAM-42461	: PILOT PROGRAM AND PETITION
For: SAFETY SYRINGE	: 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 under 37 CFR 1.102(d), filed January 18, 2010, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU 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 IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU 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. The IDS listing the documents and the references cited by the Australian examiner were received on January 18, 2010. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Kevin Sirmons, SPE of Art Unit 3767, 571-272-4965.

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

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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14 NOV 2008

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Washington, D.C. 20231
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
RUKER, et al.	:	DECISION ON REQUEST
U.S. Application No.: 11/722,517	:	FOR WITHDRAWAL AS
PCT No.: PCT/EP2006/050059	:	ATTORNEY OF RECORD
Int. Filing Date: 05 January 2006	:	
Priority Date: 05 January 2005	:	
Attorney Docket No.: 4518-0117PUS1	:	
For: SYNTHETIC IMMUNOGLOBULIN	:	
DOMAINS WITH BINDING	:	
PROPERTIES...DETERMINING	:	
REGIONS	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent Of Record And Change Of Correspondence Address" (Form PCT/SB/83) filed 20 May 2008.

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. ...
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Leonard R. Svensson has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 02292.

There is no pending Office communication in this application for which the time period for response will expire in the next 30 days.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision including updating the correspondence address as reflected in the new power of attorney submitted on 05 June2008.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3294
Fax: (571) 273-0459

CC:

Michael Fedrick
Sheldon & Mak Rose & Anderson PC
100 East Corson Street
Third Floor
Pasadena, CA 91103-384

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19 JUL 2007

Bernard Trest
76 Castlebury Cres., #3
Toronto, Ontario
Canada M2H 1W8

In re Application of :
TREST, Bernard :
Application No.: 11/722,522 :
PCT No.: PCT/CA05/01979 : **DECISION**
Int. Filing Date: 29 December 2005 :
Priority Date: 29 December 2004 :
Attorney's Docket No.: None :
For: DYNAMIC INFORMATION SYSTEM :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371. No fee is required.

BACKGROUND

On 22 June 2007, applicant filed papers containing 73 claims using the EFS-Web system to enter the national stage of PCT/CA05/01979. This application was given U.S. application number 11/722,522.

On 22 June 2007, applicant filed papers for a second national stage application of PCT/CA05/01979 containing 40 claims. The second filing was treated as a separate national stage application for PCT/CA05/01979 and was denoted as U.S. application number 11/722,845.

On 17 July 2007, applicant submitted a facsimile requesting to proceed with U.S. application number 11/722,522 with 73 claims and that the Office bill applicant for the additional excess claim fees.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/CA05/01979. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/CA05/01979.

Applicant must use only U.S. application No. **11/722,522** for all correspondence to the national stage application of PCT/CA05/01979.

Applicant is advised that U.S. application No. 11/722,845 is no longer a valid U.S. National stage application.

The 73 claims originally filed in U.S. application number 11/722,522 are the claims of the national stage application. Applicant may submit a preliminary amendment to amend the claims pursuant to 37 CFR 1.121.

Fees totaling $1,180.00 have been received and charged as follows:

Basic National Fee - $150.00;
Nat. Stage Search Fee - $250.00;
Nat. Stage Exam Fee - $100.00;
Claims in Excess of 20 (20) - $500.00;
Multiple Dependent Claims - $180.00.

There are 33 additional excess claims. Thus, additional fees at $25.00 per additional claim of $825.00 are required.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Juergen Frasch	: DECISION ON REQUEST FOR
Patent Number	: 7571715	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/722,541	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **11** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/722,570	06/22/2007	Tachio Ono	00862.125756	1382

5514 7590 07/20/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
COLES, EDWARD L

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
07/20/2010	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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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
ONO, TACHIO	:	DECISION ON REQUEST TO
Application No. 11/722,570	:	PARTICIPATE IN PATENT
Filed: June 22, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. **00862.125756**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 22, 2010 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 Doris To at 571-272-7629.

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

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

1 9 NOV 2008

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RANBAXY INC.
600 COLLEGE ROAD EAST
SUITE 2100
PRINCETON NJ 08540

In re Application of SATTIGERI et al. Serial No.: 11/722,573 PCT No.: PCT/IB05/03871 Int. Filing Date: 22 December 2005 Priority Date: 22 December 2004 Attorney's Docket No.: RLL-507US For: DERIVATIVES OF PENTOSE PREEXAM PROCESSING	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 26 September 2008 in the United States Patent and Trademark Office (USPTO), treated as a petition under 37 CFR 1.182.

BACKGROUND

On 22 January 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty-month period, was required.

On 15 May 2008, in response to the Notification of Missing Requirements, applicant filed a declaration executed by the inventors. The response required a two-month extension of time.

On 02 September 2008, a Notification of Defective Response was mailed to applicant indicating that declaration did not comply with 37 CFR 1.497(a) and (b) because the inventor's name was listed as Viswajanani Jitendra Sattigeri on declaration and as Jitendra Viswajanani Sattigeri on the published international application. Applicant was given one month from the date of the Notification within which to reply or the time remaining in the Notification of Missing Requirements.

On 26 September 2008, applicant filed a response.

DISCUSSION

At the outset it is noted that the response to the Notification of Missing Requirements filed on 15 May 2008 required a two-month extension of time. The fee for such extension of time is $450 and will be charged to applicant's deposit account per his authorization on the Electronic Acknowledgment Receipt.

The published international application listed the first inventor as Jitendra Viswajanani Sattigeri. The declaration submitted on 15 May 2008 identified the first inventor's name as Viswajanani Jitendra Sattigeri. The Notification of Defective Response correctly indicated the defect in the declaration and asked for clarification. Applicant, through counsel, provided an explanation of his first and middle name on 26 September 2008. Applicant's explanation that the order of inventor Sattigeri first and second name was inadvertently switched on the international application is accepted and noted for the record.

The explanation along with the petition fee of $400, to correct the inventor's name is the proper reply to the Notification of Defective Response. The reply was filed on 26 September 2008, which was within the one month period as set forth in the 02 September 2008 Notification of Defective Response. As applicant provided authorization to charge for any fees pursuant to 37 CFR §§1.17(a) and 1.136(a) on 26 September 2008, the petition fee of $400 will be charged to applicant's deposit account.

CONCLUSION

The application will be forwarded to the United States Designated/Elected Office for further processing. The declaration filed on 15 May 2008 is acceptable and in compliance with 37 CFR 1.497(a) and (b). The petition fee of $400 and the fee for the two-month extension of time ($450) will be charged to applicant's deposit account.

The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 15 May 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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RANBAXY INC.
INTELLECTUAL PROPERTY
DEPARTMENT
600 COLLEGE ROAD EAST
PRINCETON, NJ 08540

COPY MAILED
JAN 25 2010

Applicants: Sattigeri, et al.
Appl. No.: 11/722,573
International Filing Date: December 22, 2005
Title: DERIVATIVES OF PENTOSE MONOSACCHARIDES AS ANTI-INFLAMMATORY COMPOUNDS
Attorney Docket: RLL-507US
Pub. No.: US 2009/0075909 A1
Pub. Date: March 19, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 12, 2009, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It is noted that claims 20-22 are on top portion (first 6 lines) of page 18 of the preliminary amendment and that claims 23-27 begin on a separate page and are at the top portion (first 10 lines) of page 19. It would facilitate publication of the application if the claims did not stop on the 6th line of a page and resume on a new page.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,588	06/22/2007	Hideki Sekiguchi	09792909-7051	1497

7590 08/31/2009
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606-1080

EXAMINER
LUU, MATTHEW

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
08/31/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

2 8 APR 2008

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BERESKIN & PARR (MISSISSAUGA) / GE
SCOTIA PLAZA
40 KING STREET WEST, 40TH FLOOR
TORONTO ON M6H-3V2
CANADA

In re Application of	:	
HUSAIN, Hidayat, et al.	:	
Application No.: 11/722,590	:	
PCT No.: PCT/CA2005/001250	:	DECISION
Int. Filing Date: 12 August 2005	:	
Priority Date: 12 August 2004	:	ON PETITION UNDER
Docket No.: 224173	:	
For: MEMBRANE SUPPORTED BIOFILM PROCESS FOR AUTOTROPHIC REDUCTION	:	37 CFR 1.137(b)

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 22 June 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b). The fee for late filing of the search fee, examination fee or oath or declaration has been paid.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 August 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

2 8 APR 2008

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SCOTIA PLAZA
40 KING STREET WEST, 40TH FLOOR
TORONTO ON M6H-3V2
CANADA

In re Application of HUSAIN, Hidayat, et al. Application No.: 11/722,590 PCT No.: PCT/CA2005/001250 Int. Filing Date: 12 August 2005 Priority Date: 12 August 2004 Docket No.: 224173 For: MEMBRANE SUPPORTED BIOFILM PROCESS FOR AUTOTROPHIC REDUCTION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 22 June 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b). The fee for late filing of the search fee, examination fee or oath or declaration has been paid.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 August 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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Facsimile: 571-273-0459

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JUN 15 2010

OFFICE OF PETITIONS

In re Application of Husain et al.	:	
Application No. 11/722,590	:	Decision on Petition
Filing Date: August 13, 2007	:	
Attorney Docket No. 4320-942	:	

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

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed September 30, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 31, 2009. A Notice of Abandonment was mailed January 15, 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.

The petition includes the issue fee of $1,510, the publication fee of $300, and the required petition fee of $1,620. The petition states 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 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.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Shinichi Nagao	: DECISION ON REQUEST FOR
Patent Number	: 7576253	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/722,605	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **236** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

0 4 AUG 2008

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of Horiuchi et al. Application No.: 11/722,616 PCT No.: PCT/JP2005/23478 Int. Filing Date: 21 December 2005 Priority Date: 27 December 2004 Attorney Docket No.: 42460 For: Wireless Communication Apparatus, Wireless Communication Method And Wireless...	:	DECISION

This is in response to the "Letter" filed on 23 May 2008, which is being treated as a petition under 37 CFR 1.182.

DISCUSSION

This international application was filed on 21 December 2005 and claimed a priority date of 27 December 2004. The United States was designated. The International Bureau transmitted a copy of the published international application to the USPTO on 06 July 2006. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 27 June 2007. On 22 June 2007, applicants filed *inter alia* the basic national fee.

On 05 February 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the declaration of the inventors filed on 22 June 2007 reveals that it nominates "Ayako HORIUCHI" in place of "IWATA, Ayako" nominated in the published international application. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 is required to resolve the discrepancy in the nominated inventive entity in order for the declaration to be accepted. *See* MPEP §§ 605.04(b) and 605.04(c).

The instant letter is being treated as such a petition under 37 CFR 1.182 addressing this discrepancy in the inventor's name. Counsel's Deposit Account 16-0820 is being charged for the $400.00 petition fee, as authorized. Petitioner provides a "Statement of Inventor - Ayako Horiuchi," signed by the inventor, stating in part that

> I, Ayako HORIUCHI, hereby state that my current (married name) is Ayako HORIUCHI, my prior (maiden name) was Ayako IWATA, and it is under my maiden name that international application PCT/JP2005/023478 was filed. Thus, my name was changed from Ayako IWATA to Ayako HORIUCHI due to marriage, and I respectfully request that the U.S. national stage application (Serial No. 11/722,616) list my married name, Ayako HORIUCHI.

In view of the totality of the evidence of record, it would be appropriate to accept the name as "Ayako HORIUCHI" on the executed declaration.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**, as described above.

This application is being forwarded to the Office of Patent Application Processing for further processing. The declaration filed on 22 June 2007 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b) and 35 U.S.C. 371(c)(4). The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **22 June 2007**.

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

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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OFFICE OF PETITIONS

Applicants: Oliver Zinger, et al.
Appl. No.: 11/722,697
International Filing Date: December 22, 2005
Title: A METHOD OF SURFACE FINISHING A BONE IMPLANT
Attorney Docket: MEISS71.033APC
Pub. No.: US 2009/0088858 A1
Pub. Date: April 2, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 2, 2009, for the above-identified application.

The request is granted.

Applicant requests that the application be republished because the patent application publication contains a material error, as it incorrectly lists the international filing date for PCT/EP2005/013905 as November 22, 2005 not December 22, 2005.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Mark 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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18 NOV 2009

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

In re Application of	:	
ZINGER, et al.	:	
U.S. Application No.: 11/722,697	:	
PCT No.: PCT/EP05/13905	:	
Int. Filing Date: 22 December 2005	:	DECISION
Priority Date: 23 December 2004	:	
Attorney Docket No.: MEISS71.033APC	:	
For: METHOD OF FINISHING A BONE IMPLANT	:	

This decision is in response to applicant's "Request For Corrected Filing Receipt" filed 02 March 2009 in the United States Patent and Trademark Office (USPTO).

On 29 January 2009, applicant was mailed a decision informing applicant that the application would be accorded a 35 U.S.C. 371 date of 28 July 2008.

On 02 March 2009, applicant filed the present request indicating that the international filing date was incorrectly stated as 22 November 2005 rather than 22 December 2005. A review of the published international application finds that applicant is correct and the request is **GRANTED**.

This application has an international filing date of 22 November 2005 under 35 U.S.C. 363 and a date of **28 July 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, including the issuance of a new Form PCT/DO/EO/903 and corrected filing receipt.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

2 6 OCT 2007

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The Rafferty Patent Law Firm
5641 Burke Centre Pkwy
Suite 100
Burke, VA 22015-2259

In re Application of:
JEON et al.
U.S. Application No.: 11/722,712
PCT No.: PCT/KR06/00005
International Filing Date: 02 January 2006
Priority Date: 03 January 2005
Attorney's Docket No.: P10046US
For: COMPOSITION FOR PREVENTION, TREATMENT, AND DIAGNOSIS OF CHRONIC INFLAMMATORY AIRWAY DISEASES

DECISION

This decision is in response to applicant's "Petition under 37 CFR 1.137(b) and 1.495 to Revive Unintentionally Abandoned Application" filed 02 August 2007 in the above-captioned application.

BACKGROUND

On 02 January 2006, applicant filed international application PCT/KR06/00005, which claimed priority of an earlier application filed 03 January 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 July 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 03 July 2007.

On 23 June 2007, the above-named counsel filed a "Cover Letter Accompanying US National Stage Application under 35 U.S.C. 371" with respect to international application PCT/KR06/00005. This submission included payment of the basic national fee; an application data sheet; and an executed declaration/power of attorney. The submission was assigned application number 11/722,712.

On 02 August 2007, the law firm of Dinsmore & Shohl LLP, filed a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" (Form PTO-1390) with respect to international application PCT/KR06/00005. This submission included: a copy of the international application; a preliminary amendment; and the present petition under 37 CFR 1.137(b) accompanied by the requisite petition fee. The materials were assigned application number 11/883,591.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/KR06/00005 (United States application numbers 11/722,712 and 11/883,591). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The petition to revive the application included in the 02 August 2007 submission is moot, in that, the basic national fee for this application was submitted prior to the expiration of 30 months from the priority date.

Because the applicant/inventors have appointed the attorneys associated with Customer Number 58986 (The Rafferty Patent Law Firm) to prosecute the present national stage application, all correspondence with respect to the U.S. national stage of PCT/KR06/00005 will be directed solely to the correspondence address associated with this Customer Number (listed above). Application number 11/883,591 will be discontinued.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED** as moot.

Application 11/722,712 will continue to be processed as the national stage of PCT/KR06/00005.

Application no. 11/883,591 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 11/883,591 into U.S. Application no. 11/722,712; (2) refund the filing fees of paid in connection with the application number 11/883,591 to deposit account no. 04-1133; and (3) discontinue application 11/883,591 in the USPTO's PALM database.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

Refund Ref:
10/26/2007 0030046306

Credit Card Refund Total: $5480.00

VISA....: XXXXXXXXXXXX0373

cc: Holly D. Kozlowski
Dinsmore & Shohl LLP
1900 Chemed Center
255 Fifth Street
Cincinnati, Ohio 42502

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2 8 APR 2008

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
Melvin et al.	:	
Application No.: 11/722,726	:	
PCT No.: PCT/US2005/004679	:	
Int. Filing Date: 11 February 2005	:	DECISION
Priority Date: 13 February 2004	:	
Attorney Docket No.: MELV-24US	:	
For: Coupling Device Enabled By Mechanical Continuity Of Cellular Scaffolding Across Tissue Boundaries	:	

The petition to revive under 37 CFR 1.137(b) filed on 25 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Inspection of the declaration filed on 25 June 2007 reveals that it has not been executed by the inventors

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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18 APR 2008

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Sheridan Neimark
Browdy and Neimark, P.L.L.C
624 Ninth Street, N.W., Suite 300
Washington, D. C. 20001

In re Application of Mitsuzumi, et al. Application No.: 11/722,735 PCT No.: PCT/JP2005/021332 Int. Filing Date: 21 November 2005 Priority Date: 24 December 2004 Attorney's Docket No.: MITSUZUKI2 For: HEPATIC FUNCTION REMEDIAL AGENT	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is in response to the letter filed 10 January 2008 indicating that the applicant known as Mika Yamada on filing of the international application, has since been married, and is now know as Mika Takami. This letter has been treated as a petition under 37 CFR 1.182. The petition fee has been paid.

BACKGROUND

On 21 November 2005, applicants filed international application PCT/JP2005/021332, which claimed priority of an earlier Japanese application filed 24 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 June 2006. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 June 2006 (24 June 2006 fell on a Saturday) .

On 25 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, a declaration and the requisite basic national fee as required by 35 U.S.C. 371(c). This application was assigned U.S. serial number 11/722,735.

On 10 January 2008, applicant filed the current request.

DISCUSSION

MPEP 1893.01(e) states, in part:

Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has

changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name.

37 CFR 1.497(d) states:

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

A review of the application file reveals that the applicant/inventor known as Mika Yamada in the international application has since married and changed her name to Mika Takami. Ms. Takami filed a declaration indicating that her name had changed due to marriage.

CONCLUSION

The petition under 37 CFR 1.182 is hereby **GRANTED**.

The **$400** petition fee has been **charged** to applicant's deposit account **# 02-4035**.

This application is being forwarded to national stage processing for preparation of the "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) and the according of a 35 U.S.C. 371 (a) (1), (2) and (4) date of 25 June 2007.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,765	05/22/2008	Dal-Hoon Lee	3563-0109PUS1	2006

2292 7590 01/26/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
01/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Dal-Hoon LEE, et al.	:	**DECISION ON REQUEST TO**
Application No. 11/722765	:	**PARTICIPATE IN PATENT**
Filed: 5/22/2008	:	**PROSECUTION HIGHWAY**
Attorney Docket No. 3563-0109PUS1	:	**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 14 November 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:

a. Documentation of prior office action:
    i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
    ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

    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 KIPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

DISCUSSION

This request to participate in the PPH program and petition meet the requirements 1, 2, 4-7, above.

This request to participate in the PPH program and petition fails to meet the requirements of (3), above. Specifically, pending claim 11 does not sufficiently correspond to the allowable/patentable claim 1 in the KIPO application. Referring to pending claim 11, line 9 reads in relevant part, "a cell balancing adjusting circuit *configured to connect to* the vertical interface", whereas, the corresponding limitations in the allowed or patented claim reads "a cell balancing adjusting circuit *connected to* the vertical interface". The pending claim only requires the cell balancing adjusting circuit *to be capable of being connected to* the vertical interface", whereas, the corresponding limitations in the allowed or patented claim reads "a cell balancing adjusting circuit *to be connected to* the vertical interface"

A proper response in this case must:

Amend pending claim 11, line 9 to read, "a cell balancing adjusting circuit *connected to* the vertical interface".

CONCLUSION

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 Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,765	05/22/2008	Dal-Hoon Lee	3563-0109PUS1	2006

2292 7590 03/10/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
ULLAH, AKM E

ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
03/10/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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In re Application of	:	
Dal-Hoon LEE, et al.	:	**DECISION ON REQUEST TO**
Application No. 11/722,765	:	**PARTICIPATE IN PATENT**
Filed: 5/22/2008	:	**PROSECUTION HIGHWAY**
Attorney Docket No. 3563-0109PUS1	:	**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 14 November 2008, and renewed request to participate in the PPH pilot program, Faxed 25 February 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

    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 KIPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,765	05/22/2008	Dal-Hoon Lee	3563-0109PUS1	2006

2292 7590 03/18/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BERHANU, SAMUEL

ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
03/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Dal-Hoon LEE, et al.	:	**DECISION ON REQUEST TO**
Application No. 11/722,765	:	**PARTICIPATE IN PATENT**
Filed: 5/22/2008	:	**PROSECUTION HIGHWAY**
Attorney Docket No. 3563-0109PUS1	:	**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 14 November 2008, and renewed request to participate in the PPH pilot program, Faxed 25 February 2009, to make the above-identified application special.

It is noted that in the petition decision, mail room date 3/10/2009, a typographical error indicating that the petition was *dismissed* was inadvertently mailed to the applicant. The petition decision should have indicated that the petition was *granted*. The present "decision" is merely to correct, and clarify, the record.

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, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

    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 KIPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

The 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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MAILED

MAR 25 2010

OFFICE OF PETITIONS

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

In re Application of	:	
Christian Cardon	:	
Application No. 11/722,773	:	ON PETITION
Filed: July 5, 2007	:	
Attorney Docket No. 07083	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Restriction/Election Requirement mailed May 8, 2009. A Notice of Abandonment was mailed on November 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 an election; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 1611 for review of the response filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,776	11/01/2007	Dal-Hoon Lee	PHI-0041	2118

2292 7590 02/11/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
TSO, EDWARD H

ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
02/11/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	**: DECISION ON REQUEST TO**
Dal-Hoon LEE, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 11/722,776	**: PROSECUTION HIGHWAY PILOT**
Filed: 25 June, 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: PHI-0041	**: TO MAKE SPECIAL UNDER**
For: SYSTEM FOR CONTROLLING VOLTAGE BALANCING IN A PLURALITY OF LITHIUM-ION CELL BATTERY PACKS AND METHOD THEREOF	**: 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 14 November 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application 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;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of all office actions which are relevant to patentability, including "Notification of Reasons for Refusal" and Decision of Refusal"; however,
      ii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the KIPO Office action from (5)(a)(i) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition is assessed as follows:

Conditions 1, 2, and 4-7 above are considered to have been met. However the request to participate in the PPH program fails to meet condition 3.

Regarding condition 3, Petitioner has not amended the claims in the instant application to sufficiently correspond to those of the allowable claims in the Korean application.
Claim 23, line 5 "outputting" in the translation has a different scope than "configured to output". Outputting is actual action where configured to output is not.
Claim 23, lines 7 and 9, "configured to transmit" have the same scope problem.
Claim 27, line 2, "configured to transmit" needs correction.
Claim 28, line 2, 4, 6 and 9 use the configured to language and require correction
Claim 33; line 2 configured to transmit requires correction.
Claim 38, line 2 configured to transmit requires correction.
Claim 47, line 2 configured to transmit requires correction.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response **MUST** be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments submitted with the PPH documents must be separately indexed as a preliminary amendment.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Brian Sircus TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,776	11/01/2007	Dal-Hoon Lee	PHI-0041	2118

2292 7590 06/02/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
TSO, EDWARD H

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
06/02/2009	ELECTRONIC

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	**: DECISION ON REQUEST TO**
Dal-Hoon LEE, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 11/722,776	**: PROSECUTION HIGHWAY PILOT**
Filed: 25 June, 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: PHI-0041	**: TO MAKE SPECIAL UNDER**
For: SYSTEM FOR CONTROLLING VOLTAGE BALANCING IN A PLURALITY OF LITHIUM-ION CELL BATTERY PACKS AND METHOD THEREOF	**: 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 14 November 2008, the renewed request to participate, filed 5 March 2009, and response to notice of non-compliant amendment, filed 14 March 2009, 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 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;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of all office actions which are relevant to patentability, including "Notification of Reasons for Refusal" and Decision of Refusal"; however,
        ii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the KIPO Office action from (5)(a)(i) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

The 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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0 3 DEC 2007

20802
SYNNESTVEDT, LECHNER & WOODBRIDGE, LLP
P.O. Box 592
112 Nassau Street
Princeton, NJ 08542-0592

In re Application of:
PUCKRIN, Shaun
U.S. Application No.: 11/722,785
PCT No.: PCT/GB2005/004993
Int. Filing Date: 21 December 2005
Priority Date: 22 December 2004
Docket No.: 32879USA/5459-172US
For: A COMPUTING DEVICE AND METHOD FOR CONVERTING BETWEEN JULIAN CALENDAR DAYS AND CHINESE CALENDAR DATES

DECISION

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 25 June 2007 which is hereby **GRANTED** as follows:

The basic national fee, search fee, examination fee, and petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. All requirements of 37 CFR 1.137(b) are satisfied.

An oath/declaration was not provided.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/905 requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

3 1 MAR 2008

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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of	:	
LOPEZ RODRIGUEZ et al.	:	
Application No.: 11/722,786	:	
PCT No.: PCT/EP2005/057175	:	
Int. Filing Date: 27 December 2005	:	DECISION
Priority Date: 27 December 2004	:	
Attorney Docket No.: 6102-000108/US/NP	:	
For: Arylpiperazine Derivative And Use Thereof As 5-HT1A Receptor Ligands	:	

This is in response to the submission under 37 CFR 1.497(d) filed on 12 September 2007.

BACKGROUND

This international application was filed on 27 December 2005, claimed an earlier priority date of 27 December 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 06 July 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 27 June 2007. Applicant filed *inter alia* the basic national fee on 25 June 2007.

DISCUSSION

Inspection of the declaration filed on 12 September 2007 reveals that it does not nominate Margarita VALHONDO FALCON, one of the joint inventors named in the published international application. A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided an appropriate statement by Margarita Valhondo Falcon.

Regarding requirement (2), the required processing fee has been paid.

Regarding requirement (3), it appears from inspection of the published international application that CEPA SCHWARZ PHARMA, S.L. may enjoy an assignment interest in this application, but no assignee consent to the proposed change in inventorship has been provided. Clarification is required.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

Counsel's Deposit Account 08-0750 is being charged in the amount of $130.00 for the surcharge under 37 CFR 1.497(h), as authorized by the submission of 12 September 2007.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application. No additional processing fee is required.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

18 SEP 2008

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7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of	:	
LOPEZ RODRIGUEZ et al.	:	
Application No.: 11/722,786	:	
PCT No.: PCT/EP2005/057175	:	
Int. Filing Date: 27 December 2005	:	DECISION
Priority Date: 27 December 2004	:	
Attorney Docket No.: 6102-000108/US/NP	:	
For: Arylpiperazine Derivative And Use Thereof As 5-HT1A Receptor Ligands	:	

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 17 April 2008.

DISCUSSION

In a Decision mailed on 31 March 2008, the submission under 37 CFR 1.497(d) filed on 12 September 2007 was dismissed, without prejudice, because

> Regarding requirement (3), it appears from inspection of the published international application that CEPA SCHWARZ PHARMA, S.L. may enjoy an assignment interest in this application, but no assignee consent to the proposed change in inventorship has been provided. Clarification is required.

In response, counsel has submitted a "Consent of Assignee Under 37 C.F.R. § 3.73(b)" stating that Schwarz Pharma S.L. is the owner by assignment of the entire right, title and interest in the application, and explicitly consenting to the removal of Margarita Valhonda Falcon as an inventor. This consent document is signed by Antonio Martin in the capacity of Managing Director, and asserts that Mr. Martin is "empowered to sign this letter of consent on behalf of the Assignee."

Petitioner also provides a "Statement Under 37 CFR 3.73(b)" which states that Schwarz Pharma S.L. is the assignee of the entire right, title and interest in this application. The "Statement..." indicates that documentary evidence of the chain of title was submitted for recordation, and review of the assignment records of the USPTO reveals that an assignment in favor of Schwarz Pharma S.L. was submitted for recordation concurrently with the instant renewed submission under 37 CFR 1.497(d). The statement is signed by J. Timothy Keane (whose name is mistyped below his signature), who asserts that he is "authorized to act on behalf of the assignee." In view of the totality of the evidence now of record, it would be appropriate to conclude that the requirements of 37 CFR 1.497(d) have now been satisfied.

DECISION

The declaration is **ACCEPTED** under 37 CFR 1.497(d).

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **12 September 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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STEVEN J. HULTQUIST
INTELLECTUAL PROPERTY TECHNOLOGY LAW
P.O.BOX 14329
RESEARCH TRIANGLE PARK, NC 27709-4329

In re Application of JONES, Allen L., Jr. et al. Application No.: 11/722,880 PCT No.: PCT/US2005/045214 Int. Filing Date: 14 December 2005 Priority Date: 14 December 2004 Docket No.: 4268-101 PCT US For: PEST-CONTROL COMPOSITIONS, AND METHODS AND PRODUCTS UTILIZING SAME	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 26 June 2007 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The surcharge for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 08-3284, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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3M INNOVATIVE PROPERTIES
COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	DECISION ON
BENNINGHOFF et al	
PCT No.: PCT/US2005/047467	
Application No: 11/722,891	PETITION UNDER
Int. Filing Date: 30 December 2005	
Priority Date: 30 December 2004	
Attorney's Docket No.: 60430US006	37 CFR 1.47(a)
For: TREATMENT FOR CUTANEOUS METASTASES	

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 15 May 2008..

BACKGROUND

On 27 June 2007, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 15 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date." The notice also indicated that a $130 surcharge for providing the oath or declaration later than 30 months from the priority date is required. The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 15 May 2008, petitioner filed, inter alia, the current petition, and a statement by Chris Johnson on facts supporting filing the application on behalf of the nonsigning joint inventor Benninghoff.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1) and (3) of 37 CFR 1.47(a). However, items (2) and (4) of 37 CFR 1.47(a) have not been satisfied.

Regarding item (1), petitioner has been charged the petition fee $200 under 37 CFR 1.17(g) to Deposit Account 13-3723.

Regarding item (2), although the statement by Mr. Johnson states that he emailed on June 6, 2007 an assignment and declaration to Mr. Bennington for his signature and again on 26 June 2007, and Mr. Bennington has been unresponsive. However, it has not been sufficiently demonstrated that a copy of the application papers were presented to the nonsigning inventor. It is unclear what documents were forwarded to Mr. Bennington because Mr. Johnson refers only to the assignment and declaration, and there is no statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to Mr. Bennington.

Also, it is unclear if Mr. Bennington received the email because no proof has been submitted that it was received by him. Moreover, Mr. Johnson never indicates that he mailed the application papers to Mr Bennington last known address.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Bernd Benninghoff
Gesellschaft zur Foerderung
Klinischer Forschung e.V.
Brunnleite 129 91349
Egloffstein-Affalterthal Germany

Regarding requirement (4), petitioner has not provided an executed declaration.

Consequently, at this time it can not be concluded that Mr. Bennington has refused to sign the documents based on the evidence provided.

Consequently, the petition has not met the items under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
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ST. PAUL MN 55133-3427

In re Application of	DECISION ON
BENNINGHOFF et al	
Application No: 11/722,891	
PCT No.: PCT/US2005/047467	PETITION UNDER
Int. Filing Date: 30 December 2005	
Priority Date: 30 December 2004	
Attorney's Docket No.: 60430US006	37 CFR 1.47(a)
For: TREATMENT FOR CUTANEOUS METASTASES	

This decision is in response to applicants' " RENEWED PETITION UNDER 37 CFR 1.47(a) AND REQUEST FOR EXTENSION OF TIME" filed on 28 August 2009 in response to a decision by this Office dated 04 March 2009.

BACKGROUND

The decision by this Office dated 04 March 2009 indicated that items (2) and (4) had not been satisfied.

On 28 August 2009, petitioner filed this renewed petition accompanied, inter alia, an executed composite declaration that includes the signatures of joint inventors Bernd BENNINGHOFF and Ulrich P. HENGGE.

DISCUSSION

The second renewed petition states that the declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 05 April 2006 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **28 August 2009.**

Rafael Bacares
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PCT Legal Office
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624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

In re Application of KUSSENDRAGER et al	:	
U.S. Application No.: 11/722,968	:	
PCT Application No.: PCT/NL2005/050089	:	
Int. Filing Date: 21 December 2005	:	DECISION
Priority Date Claimed: 22 December 2004	:	
Attorney Docket No.: KUSSENDRAGER1	:	
For: ANHDYROUS LACTOSE	:	
AGGLOMERATES . . .	:	

This is in response to applicant's "Petition to Revive Under 37 CFR 1.137(b)" filed 27 June 2007.

BACKGROUND

On 21 December 2005, applicant filed international application PCT/NL2005/050089, which claimed priority of an earlier European Patent Office 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.

International application PCT/NL2005/050089 became abandoned as to the United States for failure to timely pay the basic national fee.

On 27 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant the petition states, "[T]he entire delay in filing the papers necessary to perfect the completion of entry into the U.S. national phase of this case from the due date for entry into the U.S. national phase (June 22, 2007) until the filing of this grantable petition, was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
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PCT Legal Office

Telephone: 571-272-3303
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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of	:	
HUSCHKE et al.	:	
Application No.: 11/722,989	:	DECISION
PCT No.: PCT/EP2004/014625	:	
Int. Filing Date: 22 December 2004	:	
Priority Date: N/A	:	
Attorney Docket No.: P19553-US1	:	
For: TRANSMISSION OF COMPOSITE	:	
DIGITAL BROADCAST INFORMATION	:	

This decision is in response to applicants' submission filed 27 June 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 December 2004, applicant filed international application PCT/EP2004/014625 which designated the U.S. and did not claim a priority date. 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 27 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 27 June 2007.

As to item (2), applicant submitted the petition fee on 27 June 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

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2 0 OCT 2008

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Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

In re Application of :
WOEHRMANN et al. :
Application No.: 11/722,992 : DECISION ON PETITION
PCT No.: PCT/EP05/57186 : UNDER 37 CFR 1.182
Int. Filing Date: 27 December 2005 :
Priority Date: 27 December 2004 :
Attorney Docket No.: P32348 :
For: GLYCOPYRROLATE IN COSMETIC PREPARATIONS

This decision is in response to applicants' "Response to Notification of Missing Requirement under 35 U.S.C. 371 and Petition under 37 CFR 1.182 to Change Last Name of Twelfth Inventor" filed 21 July 2008.

BACKGROUND

On 27 June 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee and a copy of the international application.

On 11 April 2008, applicants filed an executed declaration.

On 09 June 2008, the United States/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration was defective because the name of the twelfth inventor (Yvonne Eckhard) was different from that which originally filed with the International Bureau (Yvonne Cierpisz). The notification set a two-month time limit in which to respond.

On 21 July 2008, applicants filed "Response to Notification of Missing Requirement under 35 U.S.C. 371 and Petition under 37 CFR 1.182 to Change Last Name of Twelfth Inventor" which stated that the correct name of the twelfth inventor is Yvonne Eckhard due to marriage.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants request to change the name of the twelfth inventor from Yvonne Cierpisz to Yvonne Eckhard. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the twelfth inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge counsel's Deposit Account the required fees, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted a "Declaration of Yvonne Eckhard Concerning Name Change" (affidavit) regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Yvonne Eckhard as a result of marriage.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Yvonne Cierpisz to Yvonne Eckhard is GRANTED.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
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TAKEUCHI & KUBOTERA, LLP
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200 DAINGERFIELD ROAD
ALEXANDRIA VA 22314

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FEB 19 2008

OFFICE OF PETITIONS

In re Application of :
Shigeru Tsunoda :
Application No.11/723,007 : DECISION ON PETITION
Filed: March 15, 2007 :
Attorney Docket No. BD-0624K :

This is a decision on the petition under 37 CFR §1.137(b), filed December 20, 2007, to revive the above-identified application.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers which was mailed on April 6, 2007. The Notice to File Corrected Application Papers set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 7, 2007. A Notice of Abandonment was mailed on December 11, 2007.

This petition is hereby **Granted**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $1540.00, and (3) a proper statement of unintentional delay.

This application is being forwarded to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

DATE: 8/18/07 APPLICATION NUMBER: 11/723,064

DOC CODE: RET.DEC.APP DOC DATE: 8/30/06

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC SCANNIG CENETER

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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of	:	DECISION GRANTING PETITION
Naruse, et al.	:	
Application No. 11/723,064	:	
Filed: March 16, 2007	:	
Attorney Docket No. 056937-0350	:	

This is a decision on the petition filed July 11, 2007, to vacate the "Notice of Omitted Items of Non-provisional Application" (the "Notice"), mailed July 7, 2007.

The petition is **granted**.

On March 16, 2007, the above-identified application was filed. However, on July 7, 2007, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date of March 16, 2007, and advising applicant pages 28 and 29 of the specification appeared to have been omitted. Relative to the alleged omitted item, the notice set a non-extendable period for reply two-month period for reply.

In response, on June 7, 2007, applicant filed the present petition, a copy of pages 28 and 29 of the specification, and an Office date-stamped postcard receipt acknowledging receipt of 26 pages of the specification, 4 pages of claims, and one page of abstract, among other items.

Upon review of the record, pages 28 and 29 of the specification were not located among the application papers. However, the evidence is convincing that the application papers deposited May 25, 2007, included pages 28 and 29 of the specification, which were subsequently misplaced by the Office. Therefore, the application, including pages 28 and 29 of the claims, were complete on filing and entitled to the presently accorded filing date of March 16, 2007, with pages 2 and 29 of the claims as part of the original disclosure.

Accordingly, the petition is granted; the Notice is vacated, accordingly.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of March 16, 2007, with pages 28 and 29 of the specification included as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Nagayuki Kanaoka	: DECISION ON REQUEST FOR
Patent Number	: 7645534	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/723,069	: 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 **496** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ARENT FOX LLP
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WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Atsuhiko Yoneda	: DECISION ON REQUEST FOR
Patent Number	: 7640815	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/723,071	: 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 **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/723,105	03/16/2007	Kiyoharu Takagi	1000409-000236	3116

7590 08/24/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
PANG, ROGER L

ART UNIT	PAPER NUMBER
3655	

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
03/13/2007 YPOLITEX 00000019 11723105
02 FC:1111 -500.00 OP

Adjustment date: 08/21/2009 BPOWELL
03/13/2007 YPOLITEX 00000019 11723105
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/723,106	03/16/2007	Kiyoharu Takagi	1000409-000237	3109

7590 08/24/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
WRIGHT, DIRK

ART UNIT	PAPER NUMBER
3655	

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
03/19/2007 YPOLITEI 00000018 11723106
02 FC:1111 -500.00 OP

Adjustment date: 08/21/2009 BPOWELL
03/19/2007 YPOLITEI 00000018 11723106
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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Commissioner for Patents
United States Patent and Trademark Office
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED
NOV 18 2008

In re Application of Yuji Hanaoka et al Application No. 11/723,151 Filed: March 16, 2007 Attorney Docket No. 1614.1590	: : : : :	DECISION ON PETITION

This is a decision on the petition filed July 2, 2008 which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. **A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."**

It appears from the above petition that the instant applicant was filed by applicant's own initiative and not by mistake.

In view of the above, it is not appropriate to refund the filing fees for the above application.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 04/28/2010

Applicant	: Klemens Dworatzek	: DECISION ON REQUEST FOR
Patent Number	: 7604128	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/723,167	: 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 **82** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JUN 25 2009

OFFICE OF PETITIONS

CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

In re Application of	:	
David Cunnold	:	
Application No. 11/723,181	:	ON PETITION
Filed: March 16, 2007	:	
Attorney Docket No. 4244-00901	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 29, 2009 to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed April 16, 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 above-identified application became abandoned on June 17, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

Mail Date: 06/16/2010

Applicant	: Toshihiko Matsuzawa	: DECISION ON REQUEST FOR
Patent Number	: 7649737	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/723,207	: 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 **334** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

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AUG 18 2008

In re Application of	:	
Kiyoshi Honda, et al.	:	
Application No. 11/723,230	:	DECISION ON PETITION
Filed: March 19, 2007	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. TMI-5362-05	:	

This is a decision on the petition under 37 CFR 1.55(c), filed November 13, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Japanese Patent Application No. 2003-205895, filed August 5, 2003.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be**

included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) and (5) above.

In regard to item (2) - A review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In regard to item (5) - The record fails to disclose that this application was filed within 12 months of the foreign application, either directly or by virtue of an intermediate application.

The above-noted deficiencies must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter entitled "Renewed Petition under 37 CFR 1.55(c)" and be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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1800 DIAGONAL ROAD
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ALEXANDRIA, VA 22314

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Kiyoshi Honda, et al.	:	
Application No. 11/723,230	:	DECISION ON PETITION
Filed: March 19, 2007	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. TMI-5362-05	:	

This is a decision in response to the renewed petition under 37 CFR 1.55(c), filed October 20, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Japanese Patent Application No. 2003-205895, filed August 5, 2003.

The petition is **DISMISSED**.

A review of the record discloses that this application was filed on March 19, 2007, and did not include a reference to foreign Japanese Application No. 2003-204895, for which benefit is now sought. It is noted that the present application claims foreign priority to Japanese Application No. 2002-340276, via intermediate Application No. 10/663,480, which also claims foreign priority to Japanese Application No. 2002-340276.

On November 13, 2007, a petition under the provisions of 37 CFR 1.55(c) was filed to claim priority to Japanese Application No. 2003-204895. The petition was dismissed in a decision mailed August 18, 2008, since (1) the priority information was not 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)); and (2) the present application was not filed within 12 months of the foreign application, either directly or by virtue of an intermediate application.

In response, on October 20, 2008, the present petition was filed, including an ADS. It is noted that petitioner did not include any information to establish that the twelve month requirement of 37 CFR 1.55 was met with respect to the claim for foreign

priority to Japanese Application No. 2003-205895. Application No. 11/723,230 was filed on March 19, 2007, which is not within twelve months of Japanese Patent Application No. 2003-205895, filed August 5, 2003.

In view of the above, the petition cannot be granted at this time.

If applicant desires to claim priority to the foreign application noted in the petition, he must establish that the twelve month requirement of 37 CFR 1.55 has been met. Any future petition should include a cover letter entitled "Renewed Petition under 37 CFR 1.55(c)" and 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

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of
Kiyoshi Honda, et al.
Application No. 11/723,230
Filed: March 19, 2007
Attorney Docket No. SUN-5362-05

ON PETITION

The above-identified application has been referred to the Office of Petitions for consideration of a Request to Withdraw Renewed Petition Under 37 CFR 1.55, filed July 29, 2009.

Applicants request that renewed petition filed on June 15, 2009 be withdrawn.

It is noted that the request is (1) filed by an attorney of record and (2) filed before any consideration was given to the renewed petition. Accordingly, the request is GRANTED.

In view of this decision, the renewed petition under 37 CFR 1.55(c) filed June 15, 2009 is DISMISSED without consideration.

The application is being forwarded to the Office of Data Management to await a response to the Notice of Allowance mailed July 20, 2009.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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SUGHRUE MION PLLC
2100 PENNSYLVANIA AVENUE NW
SUITE 800
WASHINGTON DC 20037

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DEC 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Muraishi, et al.	:	
Application No. 11/723,232	:	DECISION ON PETITION
Filed: March 19, 2007	:	
Attorney Docket No. Q100526	:	

This is a decision on the "PETITION UNDER 37 CFR 1.57(a)", filed June 15, 2007, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of March 19, 2007, with 8 sheets of drawings (Figures 1 - 8) as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 19, 2007. However, on April 16, 2007, the Initial Patent Examination Division mailed Applicants a "Notice of Incomplete NonProvisional Application." Applicants were notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicants filed the instant petition. Applicants maintain that the application as originally filed included 8

pages of drawings. In support thereof, applicants submitted a postcard receipt identifying this application, itemizing "# Dwg. Sheets: 8 (Figs 1-8)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of March 19, 2007, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the $400 petition fee has been refunded to Deposit Account No. 19-4880.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of March 19, 2007, using the application papers received in the Office on that date and the 8 pages of drawings as re-supplied on petition filed June 15, 2007, and for indication in Office records that 8 sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robert T. Bigelow
4640 S. Eastern Ave
Las Vegas, NV 89119

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of
Robert T. Bigelow
Application No. 11/723,237
Filed: March 19, 1007
Attorney Docket No. BA-U-AIR-00010

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 16, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on January 15, 2009. A Notice of Abandonment was mailed September 18, 2009.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d)[1]. The present petition lacks items (1) and (3).

With respect to item (1), no response to the non-final Office action mailed January 15, 2009 has been received. Therefore, petitioner must submit the appropriate reply to the Office action before revival can occur.

With respect to item (3), the present petition and statement of unintentional delay cannot be accepted since the petition is unsigned. Thus, a properly signed petition must be submitted.

37 CFR 1.33(b) states:

> Amendments and other papers filed in the application must be signed by:
>
> (1) An attorney or agent of record appointed in compliance with § 1.34(b);
>
> (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

[1] Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or

(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Petitioner should note that filing the above required items should not be construed as meaning that the petition will be granted under the provisions of 37 CFR 1.137(b).

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 35 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 regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 11 2010

OFFICE OF PETITIONS

Robert T. Bigelow
4640 S. Eastern Ave
Las Vegas, NV 89119

In re Application of	:	
Robert T. Bigelow	:	
Application No. 11/723,237	:	ON PETITION
Filed: March 19, 1007	:	
Attorney Docket No. BA-U-AIR-00010	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 10, 2010, to revive the above-identified application.

In response to the decision mailed December 17, 2009, petitioner submits the present renewed petition with an amendment on February 10, 2010.

Since the petition satisfies the requirements of 37 CFR 1.137(b), in that petitioner has supplied (1) an amendment; (2) the petition fee of $810; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3644 for review of the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

RECEIVED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Yoshifumi **SUDOH** :
Application No. 11/723,287 : DECISION GRANTING PETITION
Filed: March 19, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **9273-000008/US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 19, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 21, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Tadakuma	:	
Filed: March 19, 2007	:	ON PETITION
Application No. 11/723,327	:	
Atty. Dkt. No.: 2870-0368PUS1	:	

This is in response to the "REPLY TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" filed June 12, 2007, requesting that the above-referenced application be accorded a filing date of March 19, 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 19, 2007. However, on April 12, 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. Applicant requests that the application be accorded a filing date of March 19, 2007 and note that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, 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

[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.

> 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. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f 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[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of March 19, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, no petition fee has been charged in connection with this matter.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to March 19, 2007**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

If applicant desires drawings to be considered, a preliminary amendment to this effect should be submitted prior to the

issuance of the first office action on the merits to avoid delays in prosecution. Entry of such an amendment will be determined by the examiner.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Charles Pearson
Director
Office of Petitions

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ABBOTT CARDIOVASCULAR SYSTEMS INC./
FINNEGAN HENDERSON L.L.P.
901 NEW YORK AVENUE , N.W.
WASHINGTON DC 20001

3/13/09

In re Application of:
BOYLAN, JOHN F.
Serial No.: 11/723,339
Filed: May 19,2007
Docket: 01035.0020-02000
Title: NITINOL ALLOY DESIGN AND COMPOSITION FOR MEDICAL DEVICES

DECISION ON PETITION

This is a decision on the Petition for Suspension of Action received on February 3, 2009, seeking to suspend action on the above-identified application for a period of not greater than six months. This petition is being considered pursuant to 37 CFR § 1.103.

The petition is dismissed.

On February 3, 2009, the applicant filed the current petition to suspend office action to provide additional time to engage a new counsel for filing supplemental paper. In the petition, petitioner alleges that the applicant is engaging a new counsel and is in the process of transferring of the patent application files and preparation of supplemental paper.

The reason for a six-month suspension of action is not convincing and could not justify a six-month delay in prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Applicant has failed to outline where he presently stands in the engagement of a new patent counsel and preparation of supplemental paper. Petitioner fails to establish why, in particular, a six-month suspension of action will advance the engagement of a new patent counsel and preparation of paper. Petitioner also fails to explain what the supplemental paper is. Accordingly, petitioner has failed to establish good and sufficient reasons to delay the prosecution. The application remains in active status and being returned to the examiner for immediate examination of the application and issuance of an Office action.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit for consideration of the amendment filed on September 23, 2008 and preparation of an Office action. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

Robert Olszewski, Director
Technology Center 3700

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STERNE, KESSLER, GOLDSTEIN & FOX, PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005

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Applicant: Ho
Appl. No.: 11/723,348
Filing Date: March 19, 2007
Title: CELL POPULATION WHICH CO-EXPRESS CD49C AND CD90
Attorney Docket No.: 2560.0020003/JAG/DS
Pub. No.: US 2007/0231309 A1
Pub. Date: October 4, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 4, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the specification in paragraph wherein the parent application "09/960,244" is misprinted as "09/9,50,244".

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 with respect to the benefit claim in the first paragraph of the publication may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error in the specification is not a material Office error under 37 CFR 1.221 because the quality of the text is poor, as it is very faint, such that it appears as "5". Additionally, it is noted that the benefit claim was correctly printed on the front page of the publication.

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is faint, which makes it difficult to read and to

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

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

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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TROXELL LAW OFFICE PLLC
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OFFICE OF PETITIONS

In re Application of:	:	
Yu et al.	:	
Application No. 11/723384	:	DECISION DISMISSING
Filing or 371(c) Date: 03/19/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
FOUR-AXIS CAMERA MOUNT FOR	:	
MEDICAL PURPOSE	:	

This Decision is in response to the "Petition Under 37 CFR 1.47," filed September 26, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The petition is properly treated under 37 CFR 1.47(a).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Background

The above-identified application was filed on March 19, 2007, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on march 26, 2007, requiring *inter alia*, a properly signed oath or declaration.

The present petition

Applicant files the present petition wherein Applicant states that "[t]he nonsigning inventor, Mr. Yu, has been presented with the application documents but has declined to sign the Declaration." Petition at p.1.

Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the MPEP provides:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

Analysis

Applicant has not presented evidence that a copy of the application papers were sent to the last known address of the non-signing inventor. Absent an express refusal to join in the application, Applicant must present a copy of the application papers to the nonsigning inventor. The MPEP further provides

> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

MPEP 409.03(d).

In this instance, Applicant asserts that the nonsigning inventor has been presented with a copy of the application; however, Applicant fails to sufficiently demonstrate that a bona fide attempt was made to present a copy of the application to the nonsigning inventor. Applicant must explain the

method of presentation of the application to the nonsigning inventor (i.e. mail; email, hand delivery). Applicant is cautioned that receipt of an email transmission of the application must demonstrated by Applicant before a petition may be granted. While receipt of an email may be confirmed by the sender, receipt of an email attachment may not be confirmed by the sender.

Conclusion

Absent an express refusal to join in the application, Applicant must demonstrate that a copy of the application was presented to the nonsigning inventor before a refusal to join in the application may be alleged. Where there has been an express refusal by the nonsigning inventor to join in the application, a statement of facts from a person with firsthand knowledge of the refusal, setting forth the facts of the refusal as they know them, is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of:	:	
Yu et al.	:	
Application No. 11/723384	:	DECISION NOTING
Filing or 371(c) Date: 03/19/2007	:	JOINDER OF
Title of Invention:	:	INVENTOR
FOUR-AXIS CAMERA MOUNT FOR	:	
MEDICAL PURPOSE	:	

This Decision is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed January 9, 2008, noting the joinder of the inventor and requesting withdrawal of the petition.

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 Declaration has been entered and made of record.

This application is being referred to the Office of Patent Application Processing for further 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

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Ching-Mo Wu, et al.	:	
Application No. 11/723,396	:	DECISION ON PETITION
Filed: March 19, 2007	:	
Attorney Docket No. BHT-3137-173	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

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 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 requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Office of Patent Application Processing for pre-examination processing on the reply received December 3, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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OFFICE OF PETITIONS

In re Application of
Hata et al
Application No. 11/723,449
Filed: March 20, 2007
Attorney Dkt No. 057810-0191
Title: Semiconductor Device and Method of Fabricating the Same

ON PETITION

This is a decision on the petition filed June 21, 2007, requesting in effect, the "Notice of Omitted Item(s) in a Nonprovisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of March 20, 2007 including page 31 of the specification.

The application was filed on March 20, 2007. However, on May 9, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of March 20, 2007 but page 31 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 129 pages of specification were filed including page 31 on March 20, 2007. In support, the petition is accompanied by a copy of applicants' postcard which lists " 129 pages of specification" . The petition is further accompanied by a copy of page 31 of the specification.

Applicants' postcard receipt is prima facie evidence that at least 129 pages of specification including page 31 were received on March 20, 2007, but page 31 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that page 31 of the specification was received on March 20, 2007, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. No petition fee is due and none has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of March 20, 2007**, using the papers received on that date and the copy of page 31 of the specification supplied on June 21, 2007.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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Ogilvy Renault LLP
1981 McGill College Avenue
Suite 1600
Montreal, QC H3A 2Y3
Canada

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JUL 23 2008

In re Application of	:	
Isabelle Boucher, et al.	:	
Application No. 11/723,502	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. 14957-2US-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Louise G. Bemier, Ph.D 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: **Isabelle Boucher**
218 Berlioz appt. 406
Montreal, QC H3E 1B8
Canada

cc: **Robic**
1001, Square-Victoria-Bloc E-8ème étage
Montreal, QC H2Z 2B7

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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
11/723,502	03/20/2007	Isabelle Boucher	14957-2US-1

CONFIRMATION NO. 5697

POWER OF ATTORNEY NOTICE

OC000000031071896

20988
OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

Date Mailed: 07/21/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/19/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Christopher J. McDonald
Mitchell, Silbrberg & Knupp
11377 West Olympic Boulevard
Los Angeles, CA 90064-1683

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OFFICE OF PETITIONS

In re Application of	:	
Myles J. Schnitman	:	
Application No. 11/723,503	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. A-10349.CIP.RNFMP/cat	:	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 July 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Christopher J. McDonald on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Myles J. Schnitman
114 Via Coronado
Santa Fe, CA 92091

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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
11/723,503	03/20/2007	Myles J. Schnitman	A-10349.CIP.RNFMP/cat

CONFIRMATION NO. 5732

POWER OF ATTORNEY NOTICE

Christopher J. McDonald
MITCHELL, SILBERBERG & KNUPP
11377 West Olympic Boulevard
Los Angeles, CA 90064-1683

OC000000032043833

Date Mailed: 09/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/25/2008.

- 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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Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

6/30/2010

Patent No. :7722743
Inventor(s) :Best et al.
Issued : 5/25/2010
Title : METHOD FOR MANUFACTURING A FELT BELT AND FELT BELT
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 that the foreign priority is printed in accordance with the record please show evidence of supporting data or corrected filing receipt. 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

BERENATO & WHITE, LLC
6550 ROCK SPRING DRIVE, SUITE 240
BETHESDA, MD 20817

HR

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Attn: Maquita Wong
The Hong Kong Polytechnic University
Suite 600, Mailbox #119
1800 Diagonal Road
Alexandria, VA 22314

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SEP 24 2008
OFFICE OF PETITIONS

In re Application of	:	
Kin Tak Lau, et al.	:	
Application No. 11/723,555	:	DECISION ON PETITION
Filed: March 21, 2007	:	TO WITHDRAW
Attorney Docket No. IP-372A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert M. DeWitty 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 Kin Tak Lau at the address indicated below.

There is an outstanding Office action mailed June 25, 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: **Kin Tak Lau**
The Hong Kong Polytechnic University
Hung Hom, Kowloon
Hong Kong,
China

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
11/723,555	03/21/2007	Kin Tak Lau	IP-372A

CONFIRMATION NO. 6457

POWER OF ATTORNEY NOTICE

OC000000032238940

ATTN: Maquita Wong
The Hong Kong Polytechnic University
Suite 600, Mailbox # 119
1800 Diagonal Road
Alexandria, VA 22314

Date Mailed: 09/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/21/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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DAVIS WRIGHT TREMAINE LLP - SANDISK CORPORATION
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO, CA 94111

Mail Date: 04/21/2010

Applicant	: Menahem Lasser	: DECISION ON REQUEST FOR
Patent Number	: 7583545	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/723,571	: 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 **306** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

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OCT 08 2008

OFFICE OF PETITIONS

In re Application of :
Schlom et al. :
Application Number: 11/723666 :
Filing Date: 03/21/2007 :
Attorney Docket Number: 701486 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on August 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on June 18, 2007, for failure to timely submit a reply to the Notice to File Missing Parts of Nonprovisional Application mailed on April 17, 2007, which set a two (2)-month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on May 15, 2008.

Receipt of the response filed on August 5, 2008, including the fee authorization, is acknowledged.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Koichi Fukuda	: DECISION ON REQUEST FOR
Patent Number	: 7471361	: RECALCULATION of PATENT
Issue Date	: 12/30/2008	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/723,690	: OF WYETH
Filed	: 03/21/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Koji Ara	: DECISION ON REQUEST FOR
Patent Number	: 7593752	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/723,691	: 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 **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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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
KIM, HYUN HO, et al.	:	DECISION ON REQUEST TO
Application No. 11/723,709	:	PARTICIPATE IN PATENT
Filed: March 21, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No.: **1630-0258PUS1**	:	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 29, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

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OFFICE OF PETITIONS

In re Application of	:	
Nitta, et al.	:	
Filed: March 21, 2007	:	ON PETITION
Application No. 11/723,723	:	
Atty. Dkt. No.:	:	
R2180.0268/P268-A	:	

This decision is in response to the petition to accord the above-identified application a filing date of March 21, 2007, filed June 11, 2007, with Figure 10 as part of the original disclosure of invention.

The application was filed March 21, 2007. The Notice mailed May 11, 2007 indicated that the application had been accorded a filing date but Figure 10 appeared to have been omitted from the application as filed.

In response, the petitioners argue that the application as deposited included 10 sheets of drawings that included Figure 10, and have presented as proof of mailing and proof of receipt of Figure 10 a return postcard date stamped by the Office on March 21, 2007. A copy of Figure 10 purportedly filed with the application was submitted herewith.

The original drawing sheet containing Figure 10 has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of March 21, 2007 is GRANTED.

Since the original drawing sheet containing Figure 10 cannot be located in the Office, the copy of said figures submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 21, 2007 with Figure 10 as part of the original disclosure of application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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JAN 16 2008

OFFICE OF PETITIONS

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

In re Application of	:	
Bjorn Jawerth	:	
Application No. 11/723,733	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. 588722000301	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 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 Deborah S. Gladstein 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: **Bjorn Jawerth**
1228 Langstonshire Lane
Morrisville, NC 27560

cc: **Donald T. Locke**
Oasys Mobile, Inc.
5400 Trinity Road, Suite 208
Raleigh, NC 27607

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/723,733	03/21/2007	Bjorn Jawerth	588722000301

CONFIRMATION NO. 7638

POWER OF ATTORNEY NOTICE

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

OC000000027729009

Date Mailed: 01/16/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2007.

- 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 Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Katsuji Watanabe	: DECISION ON REQUEST FOR
Patent Number	: 7624653	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/723,752	: 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 **80** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/18/2010

Applicant	: Ennio Bitto	: DECISION ON REQUEST FOR
Patent Number	: 7631561	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/723,764	: 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 **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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Jung-Huo Chen	: DECISION ON REQUEST FOR
Patent Number	: 7584935	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/723,768	: 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 **222** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/723,786	03/22/2007	Hiroshi Kanno	074782-0027	8746

7590 03/05/2008
McDERMOTT WILL & EMERY LLP
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER
WIMER, MICHAEL C

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
03/05/2008	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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McDERMOTT, WILL & EMERY, LLP
600 Thirteenth Street, N.W.
Washington, D.C. 20005-3096

MAR - 5 2008

In re Application of	:	**DECISION ON REQUEST TO**
Hiroshi KANNO, *et. al.*	:	**PARTICIPATE IN PATENT**
Application No. 11/723,786	:	**PROSECUTION HIGHWAY**
Filed: March 22, 2007	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. 074782-0027	:	**TO MAKE SPECIAL UNDER**
For: SLOT ANTENNA	:	**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 December 12, 2007, and correction of Page 1, filed January 28, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

DISCUSSION

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application to validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, or a national stage application under PCT which validly claims priority under 35 U.S.C. 119(a)/365(b) to one or more applications filed in the JPO;
(2) 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 to 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) 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) 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).

* * * * * * * *

Conditions (2) to (5), and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (1) and (6) above.

Regarding the requirement of condition (1), the instant application is filed under 35 USC 111(a), which validly claims priority under 35 USC 120 to a PCT application (PCT/JP 2006/321541), which PCT application validly claims priority under 35 USC 365(b) to one or more applications

filed in the JPO (JP 2005-325674). However, the since the JP national application containing the allowable/patentable claims (JP 2007-509758) is a JP application other than the priority application, applicant must indicate how the JP national application with the allowable/patentable claims is related to the JP priority application. See "Revised Requirements for Requesting Participation in the Patent Prosecution Highway pilot Program in the USPTO," dated May 17, 2007, next to last paragraph.

Regarding the requirement of condition (6), applicant has supplied copies of documents cited by the Japanese examiner in the JPO office action, however, applicant has failed to cite (1) JP 31-000464, (2) "A Discussion of Downsizing of a Slot Antenna with a Loop Feeding Cavity", (3) "A Basic Study of Hole-Slot Cavity Antenna using Loop Feeding" on an IDS.

A proper response in this case must include:

(a) an explanation how the JP national application (JP 2007-524148) with the allowable/patentable claims is related to the JP priority application (JP 2005-097160);

and

(b) a proper IDS listing (1) JP 31-000464, (2) "A Discussion of Downsizing of a Slot Antenna with a Loop Feeding Cavity", and (3) "A Basic Study of Hole-Slot Cavity Antenna using Loop Feeding."

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JPO and the USPTO" filed [12/12/2007] is **DISMISSED** without prejudice.

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 Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/723,786	03/22/2007	Hiroshi Kanno	074782-0027	8746

7590 03/31/2008
McDERMOTT WILL & EMERY LLP
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER
WIMER, MICHAEL C

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
03/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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600 Thirteenth Street, N.W.
Washington, D.C. 20005-3096

In re Application of	:	**DECISION ON REQUEST TO**
Hiroshi KANNO, *et. al.*	:	**PARTICIPATE IN PATENT**
Application No. 11/723,786	:	**PROSECUTION HIGHWAY**
Filed: March 22, 2007	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. 074782-0027	:	**TO MAKE SPECIAL UNDER**
For: SLOT ANTENNA	:	**37 CFR 1.102(d)**

APR - 1 2008

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 December 12, 2007, and the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program, filed March 11, 2008.

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 to validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, or a national stage application under PCT which validly claims priority under 35 U.S.C. 119(a)/365(b) to one or more applications filed in the JPO;
(2) 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 to 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) 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) An IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

* * * * * * * *

A proper response to the dismissal in this case was received on March 11, 2008 and included:

(a) an explanation how the JP national application (JP 2007-509758) with the allowable/patentable claims is related to the JP priority application (JP 2005-325674);

and

(b) a proper IDS listing (1) JP 31-000464, (2) "A Discussion of Downsizing of a Slot Antenna with a Loop Feeding Cavity", and (3) "A Basic Study of Hole-Slot Cavity Antenna using Loop Feeding."

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JPO and the USPTO" filed 12/12/2007 is **GRANTED**. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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JUL 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Noda et al.	:	
Application No. 11/723797	:	DECISION ON PETITION
Filed: 03/22/2007	:	
Atty Docket No. 071276	:	

This is a decision on the petition filed on 10 May, 2007, requesting that the above-identified application, including one (1) sheet of drawings, be accorded a filing date of 22 March, 2007.

The petition is **GRANTED**.

On 22 March, 2007, the application was filed.

On 2 May, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on 10 May, 2007, the present petition was filed.

Petitioners argue that one (1) drawing sheet was filed with the other application papers on 22 March, 2007, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" dated 22 March, 2007, and identifies the application by the first-named inventor's name and attorney docket number, and acknowledges receipt of, *inter alia*, 1 sheet

of drawings. Petitioners request that the application, including the one (1) sheet of drawings, be accorded a filing date of 22 March, 2007.

A review of the record reveals that no sheets of drawings received on 22 March, 2007, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 22 March, 2007, included one (1) sheet of drawings, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings, is entitled to a filing date of 22 March, 2007.

In view of the above, the petition is granted. No petition fee is due and none has been charged.

The application will be processed with the copy of the one (1) sheet of drawings supplied on 10 May, 2007, as a part of the original disclosure.

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of 22 March, 2007, using the application papers filed on that date, and the copy of one (1) sheet of drawings supplied with the present petition, and for an indication in Office records that one (1) sheet of drawings was present on filing.

Telephone inquiries 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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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Makoto Ogata	: DECISION ON REQUEST FOR
Patent Number	: 7617896	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/723,853	: 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 **305** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 05/18/2010

Applicant : Makoto Ogata
Patent Number : 7617896
Issue Date : 11/17/2009
Application No : 11/723,853
Filed : 03/22/2007

: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/723,876	03/22/2007	Hiroki Tagato	P16196-A	7464

7590 05/17/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
PHAM, QUANG

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
05/17/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell
Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/723,974	03/22/2007	Toshio Shimomura	MNL-2018-1658	7323

7590 08/20/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
08/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/21/2009 0030073554

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX2021

Adjustment date: 08/21/2009 NFARMER
05/24/2007 INTEFSW 00007943 11723974
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of
Wolfgang S. Janzen
Application No. 11/723,997
Filed: March 23, 2007
Attorney Docket No 09700.0217-00

: DECISION GRANTING PETITION

This is a decision on the petition filed July 3, 2007, in response to the "Notice to File Corrected Application Papers" mailed May 3, 2007, which is treated under 37 CFR 1.182.

The instant application was filed March 23, 2007 and a filing date was accorded. However, the Notice indicated that a substitute specification including a brief description of drawings was required.

Petitioner asserts that Page 5 of the specification included the Brief Description of Drawings and was among the papers filed on March 23, 2007, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, that the application included a twenty-one (21) page specification and bears a United States Patent and Trademark Office date-stamp of March 23, 2007. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. Although a review of the official USPTO file reveals a twenty (20) page specification, including the abstract and claims, is of record, it is obvious from the evidence provided that on filing, the specification filed included page 5 which included the Brief Description of Drawings. In view thereof, the petition is **GRANTED.**

Given the basis for granting the petition, the fee in the amount of $130.00, submitted with the petition will be credited to deposit account no. 06-0916.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on March 23, 2007 and the papers submitted on petition July 3, 2007.

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

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ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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NOV 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Sun, et al.	:	ON PETITION
Application No. 11/724,016	:	
Filed: April 9, 2007	:	
Atty Docket No. 6655P109	:	

This is in response to the "PETITION TO ACCORD FILING DATE PURSUANT TO 37 C.F.R. § 1.57(A)," filed August 23, 2007 (certificate of mailing date August 20, 2007), requesting that the above-referenced application be accorded a filing date of March 13, 2007.[1]

Application papers in the above-identified application were deposited on March 14, 2007. However, on April 6, 2007, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants *inter alia* that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, on April 9, 2007, applicants filed 9 sheets of drawings and insufficient postcard evidence to prove that the 9 sheets were filed on March 13, 2007. The Office mailed a Notice to File Missing Parts on May 4, 2007 because the application was missing an executed declaration. It is noted that the May 4, 2007 Notice stated the filing date of the application was April

[1] A review of the application file reveals that the application papers were filed in the Office on March 14, 2007. March 14, 2007 is the earliest filing date that can presently be accorded to the application. Petitioners may wish to consider filing a Rule 10 petition, if appropriate, to obtain a March 13, 2007 filing date for the application.

9, 2007. On May 21, 2007 applicants filed an executed declaration and a $130.00 late declaration surcharge.

The present petition was filed on August 23, 2007. In which, applicants petition to assign a filing date of March 13, 2007 and request that the Office consider the drawings filed on April 9, 2007 as initially filed on March 13, 2007 because the present application incorporates by reference and claims benefit to Application No. 60/783,286. Petitioners state that some of the drawings filed on April 9, 2007 are expressly contained in the prior-filed provisional application and some of the drawings are expressly or implicitly found in the present application and/or the prior-filed provisional application. Therefore, petitioners argue that the drawings do not include new matter.

Petitioners' arguments and evidence have been considered. Relief will be granted on the basis that the application, as filed, contains at least one method claim, and thus, drawings are not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

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.

To the extent the instant petition requests a filing date as of the date the application was filed in the Office, **March 14 2007**, with no drawings present in the application, the petition is **GRANTED**.

As stated previously, if petitioners desire a March 13, 2007, petitioners should consider filing a Rule 10 petition, if appropriate.

If applicants wish to rely on § 1.57(a)(1) to enter the drawing figures, then petitioners must submit a formal amendment in compliance with §§ 1.57 and 1.121 within **TWO (2) MONTHS** of the mailing date of this decision. This period is not extendable. See 37 CFR 1.181(f), 37 CFR 1.57(f) and MPEP 608.01(p). This amendment will be considered by the examiner. Petitioners are advised that the examiner will review the drawings for new matter.

Given the basis for granting this petition, the petition fee is being refunded to Deposit Account No. 02-2666.

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 14, 2007** and **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVID R. GILDEA
MENLO PATENT AGENCY LLC
435 HERMOSA WAY
MENLO PARK, CA 94025

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NOV 14 2007

OFFICE OF PETITIONS

In re Application of

MALOUIN, Cristian et al.
Application No. 11/724,017
Filed: March 14, 2007
Attorney Docket No. **STR408**

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 01, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (undersigned patent agent desires to reduce his patent work prosecution work load), 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 the undersigned at 571-272- 4231.

Michelle R. Eason

Michelle R. Eason
Petitions Examiner
Office of Petitions

cc: **FISH & RICHARDSON, PC**
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 27 2009

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Gary Baker
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P.O. Box 458
Alameda, CA 94501

In re Application of	:
Wang et al.	:
Serial No.: 11/724,039	:DECISION ON PETITION
Filed: March 13, 2007	:
Attorney Docket No.: 54-001820US	:

This letter is in response to the Petition filed under 37 C.F.R. 1.144 filed on April 17, 2009 requesting withdrawal of the restriction requirement mailed on October 07, 2008 restricting the claims to a single amino acid sequence.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice.

On October 07, 2008, the examiner mailed a restriction requirement in which claims 1-51 were restricted into four groups. The examiner further required the election of a single amino acid sequence from SEQ ID NOs: 4, 6, and 8 or a single polynucleotide sequence from SEQ ID NOs: 5, 7, or 9.

On November 10, 2008, applicants elected Group I and the amino acid sequence of SEQ ID NO: 6 with traverse.

On February 20, 2009, the examiner addressed the traversal and made the requirement final. The examiner withdrew claims 14-51 from further consideration as being directed to nonelected inventions. The examiner mailed to applicants a non-final Office action in which claims 1-13 were searched and examined on the merits. Claims 1-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-13 were rejected under 35 U.S.C. § 112, first paragraph, for lack of adequate written description.

On April 17, 2009, applicants submitted the petition under review.

On June 15, 2009, and interview was conducted between the examiner, the examiner's supervisor, and applicants' representative. The rejection under 35 U.S.C. § 112, first paragraph, was discussed.

On June 25, 2009, applicants submitted an amendment. Claims 14-51 were canceled. Claim 1 was amended. Claims 52-57 were newly submitted.

DISCUSSION

The petition and file history have been carefully considered, relative to the claims as currently pending.

The Pre-OG Notice published March 27, 2007 regards restricting between sequences and *rescinds* the 1996 OG Notice that provided for a partial waiver of the requirements for restriction practice by permitting examination of a reasonable number, up to ten, independent and distinct sequences in a single 35 USC 111(a) or 35 USC 371 application (see 1192 Off. Gaz. Pat. Office 68, No. 19, 1996). The new notice (published March 27, 2007) sets forth that for national applications filed under 35 USC 111(a), sequences will be subject to the standards for requiring a restriction or a provisional election of species set forth in MPEP Chapter 800 (**except for 803.04 which is superseded by this Notice**). Sequences will be considered for independence, relatedness, distinction and burden as for any other type of molecule.

As noted in the petition received April 17, 2009, and disclosed in the instant specification at [0227], the amino acid sequences of SEQ ID NOs: 4, 6, and 8 are closely related, and vary from each other by three, four, or 5 amino acids ranging through only six positions in the parent sequence. The overall percent identity between SEQ ID NOs 4, 6 and 8 ranges from 98% to 99.5% identity. Therefore, a single search could be devised to identify prior art relevant to each of the sequences, avoiding an undue search burden.

DECISION

The petition is **GRANTED** for the reasons set forth above.

The restriction requirement mailed October 07, 2008 has been withdrawn only to the extent that it required an election of a single sequence.

The instant decision should not be taken as an opportunity to switch inventions. On November 10, 2008, applicants elected invention of Group I, translation system comprising phenylselenocysteine, O-RS, and O-tRNA.

The application will be forwarded to the examiner for consideration of the papers filed June 25, 2009 and for preparation of an Office action consistent with this decision, in which the clams will be examined as they correspond to elected Group I and SEQ ID NOs: 4, 6, and 8.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Michael Wityshyn
Acting Director, Technology Center 1600

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666 Third Avenue, 10th Floor
New York, NY 10017

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JAN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Alexander Shpunt et al.	:	
Application No. 11/724,068	:	DECISION ON PETITION
Filed: March 13, 2007	:	
Attorney Docket No. 208,146	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 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 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 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 $65.00 surcharge fee, (2) the petition fee of $770.00, 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 November 16, 2007.

Andrea Smith
Petitions Examiner
Office of Petitions

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5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

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MAY 07 2009

OFFICE OF PETITIONS

In re Application of Wilhelm Bovens Application No. 11/724,120 Filed: March 14, 2007 Attorney Docket No. 23841	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 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 non-final Office action mailed, September 6, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 7, 2007

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DAVID K. LUCENTE; SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT. - COL2LGL
389 DISC DRIVE
LONGMONT, CO 80503

Mail Date: 04/21/2010

Applicant	: Reed D. Hanson	: DECISION ON REQUEST FOR
Patent Number	: 7589930	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/724,124	: 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 **37** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JUN 14 2008

RAYMOND R FERRERA
1221 MCKINNEY STREET SUITE 4400
HOUSTON TX 77010

In re Application of	:	
Axel Voss	:	
Application No. 11/724,130	:	ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. D31723US	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 2, 2008.

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. 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.

This application was held abandoned for failure to timely file a **complete** response to the Notice to File Missing Parts mailed March 26, 2007. This Notice set an extendable period for reply of two (2) months for applicant to submit an oath or declaration, a surcharge for its late filing, an English translation of the specification and a statement that the translation is accurate. Applicant filed a declaration on April 26, 2007, together with the surcharge. However, applicant did not submit an English language translation and a statement of its accuracy. As such, the Office mailed a Notice of Incomplete Reply on May 15, 2007. The Notice stated that the Office had received Applicants reply on April 26, 2007; however, the reply was not complete. The period for reply continued to run from the mailing date of the

Notice to File Missing Parts. No further reply having been received, the application became abandoned on May 27, 2007. The Office mailed a Notice of Abandonment on May 19, 2008. The Notice incorrectly stated that no reply to the Notice to File Missing Parts had been received. The Notice should have stated that a reply had been received, but was not complete.

Petitioner contends that he did timely file a reply to the Notice to File Missing Parts. In support thereof, petitioner has included a copy of a USPTO date stamped, postcard receipt, itemizing a declaration. However, a English language translation of the application is not itemized on the card. Accordingly, petitioner has not demonstrated that a complete reply to the Notice to File Missing Parts was filed, and as such, the petition must be dismissed.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing 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 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

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RAYMOND R FERRERA
1221 MCKINNEY STREET SUITE 4400
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AUG 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Axel Voss	:	
Application No. 11/724,130	:	ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. D31723US	:	

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 18, 2008.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a complete response to the Notice to File Missing Parts mailed March 26, 2007. This Notice set an extendable period for reply of two (2) months for applicant to submit an oath or declaration, a surcharge for its late filing, an English translation of the specification and a statement that the translation is accurate. Applicant filed a declaration on April 26, 2007, together with the surcharge. However, applicant did not submit an English language translation and a statement of its accuracy. As such, the Office mailed a Notice of Incomplete Reply on May 15, 2007. The Notice stated that the Office had received Applicants reply on April 26, 2007; however, the reply was not complete. The period for reply continued to run from the mailing date of the Notice to File Missing Parts. No further reply having been received, the application became abandoned on May 27, 2007. The Office mailed a Notice of Abandonment on May 19, 2008. The Notice incorrectly stated that no reply to the Notice to File Missing Parts had been received. The Notice should have stated

that a reply had been received, but was not complete.

Applicant filed a petition to withdraw the holding of abandonment on June 2, 2008, contending that he did timely file a reply to the March 26, 2007 Notice to File Missing Parts. In support thereof, petitioner included a copy of a USPTO date stamped, postcard receipt, dated April 26, 2007, itemizing a declaration. However, a English language translation of the application was not itemized on the card. Accordingly, petitioner had demonstrated that a complete reply to the Notice to File Missing Parts was filed, and as such, the petition was dismissed in a decision mailed on July 14, 2008.

With the instant renewed petition, petitioner has submitted a USPTO date stamped postcard receipt, dated May 29, 2007, and itemizing an English language translation together with a statement of its accuracy, and lacking any indication of non-receipt of the items listed thereon. May 27, 2007 and May 28, 2007 fell on a Sunday and a federal holiday, respectively. See 37 CFR 1.7(a).

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, the holding of abandonment is **WITHDRAWN**.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the English language translation filed on May 29, 2007 (copy supplied on petition filed July 18, 2008).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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Patent No. : 7,458,550 B2
Ser. No. : 11/724,133
Inventor(s) : Chang
Issued : Dec. 2, 2008
Title : DETACHABLE MOUNTING ASSEMBLY
Docket No. : TW-XNA-0683

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **756-1542** or (703) 756-1575

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Suite 500
ROCKVILLE MD 20850

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FEB 05 2010

OFFICE OF PETITIONS

In re Patent No. 7,458,550	:	
Application No. 11/724,133	:	
Filed: March 14, 2007	:	ON PETITION
Issued: December 2, 2008	:	
Attorney Docket No. TW-XNA-0683	:	

This is a decision on the petition filed June 15, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

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APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Ezra Kohavi	:	
Application No. 11/724,137	:	DECISION ON PETITION
Filed: March 14, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 43610.003	:	

This is a decision on (a) the petition, filed April 20, 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)), and (b) on the petition under 37 CFR 1.182 for expedited consideration thereof.

The petition to expedite under 37 CFR 1.182 is **GRANTED**.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

The petition under 37 CFR 1.137(b) is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 11, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 16, 2009, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forward to Technology Center Art Unit 3711 for examination in due course.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/724,137	03/14/2007	Ezra Kohavi	43610.003

CONFIRMATION NO. 1967

21907
ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA, CA 91356-3346

NONPUBLICATION RESCISSION LETTER

OC000000035418243

Date Mailed: 04/09/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/16/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/lswalsh/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JUL 23 2009

OFFICE OF PETITIONS

Jerome J. Norris
Suite 305
1901 Pennsylvania Avenue, N.W.
Washington DC 20006

In re Application of	:	
Treadwell et al.	:	
Application No. 11/724218	:	DECISION
Filing or 371(c) Date: 03/15/2007	:	ON PETITION
Attorney Docket Number: TCDRS001	:	

This is a decision on the "Petition to Revive Patent Application Unavoidably Abandoned Under 37 CFR 1.137(a), filed June 16, 2009, to revive the above-identified application. The delay in treating this petition is regretted.

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 of Allowability, mailed December 17, 2008, and set a non-extendable three (3) month period for reply. No timely and proper reply having been received, the application became abandoned on March 18, 2009. A Notice of Abandonment was mailed April 14, 2009.

The present petition

Applicant files the present petition and corrected drawings in response to t he Notice of Allowability. Applicant explains that the delay in responding to the Notice was unavoidably delayed because of the unavailability of key inventor Treadwell, for consultation on the drawings.

It is also noted that Applicant has filed the fee for a petition under 37 CFR 1.137(b), to revive an application abandoned unintentionally.

A Grantable Petition Under 37 CFR 1.137(a)

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 present petition lacks item (3).

As to item (**3**), Applicant must provide 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 37 CFR 1.137(a) was unavoidable. Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.
> In re Mattullath , 38 App. D.C. 497, 514-15 (1912)(quoting Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, 673 F. Supp. at 317, 5 USPQ2d at 1132; Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C.

1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 CFR 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not

"unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action. Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 CFR 1.8 or 1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 CFR 1.8 and 1.10 does not constitute "unavoidable" delay. See Krahn, 15 USPQ2d at 1825. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985). 35 U.S.C. 133 and 151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See In re Application of Takao, 17 USPQ2d 1155 (Comm'r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. Id. at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 CFR 1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).Specifically, petitioner's delay caused by the actions or inactions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891). In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

Analysis

In this instance, Applicant states only that the delay in responding to the Notice was unavoidable because of the unavailability of key inventor Treadwell, for consultation on the drawings. While the delay in responding to the Notice may be said to have been unintentional, Applicant has not provided a showing that the delay which resulted in the abandonment of the application was unavoidable. Where the record fails to provide a showing of unavoidable delay, the petition may not be granted.

Conclusion

Petitioner has failed to demonstrate that the delay in responding to the Notices was unavoidable.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C.

§ 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Petition fee

Finally, as noted above, Applicant submitted the fee for a petition under 37 CFR 1.137(b). The fee for a petition under 37 CFR 1.137(a) is currently $270.00 for a small entity. Applicant may request a refund of the difference in the fee, or Applicant may file a petition under 37 CFR 1.137(b) and request this Office apply the balance to the petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jerome J. Norris
Suite 305
1901 Pennsylvania Avenue, N.W.
Washington DC 20006

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JAN 14 2010

In re Application of	:	
Treadwell et al.	:	
Application No. 11/724218	:	DECISION
Filing or 371(c) Date: 03/15/2007	:	ON PETITION
Attorney Docket Number: TCDRS001	:	

This is a decision on the "Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b)," filed August 14, 2009, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed December 17, 2008, and set a non-extendable three (3) month period for reply. No timely and proper reply having been received, the application became abandoned on March 18, 2009. A Notice of Abandonment was mailed April 14, 2009.

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 (previously filed on June 16, 2009); (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 Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/724,239	03/15/2007	Takehiro Kata	122056.01

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

DATE MAILED: June 18, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed April 25, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Thies et al.	:	
Application No. 11/724, 252	:	DECISION ON PETITION
Filed: March 15, 2007	:	
Attorney Docket No. 4662-639	:	

This is a decision on the petition, filed March 18, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This above-identified application became abandoned for failure to file a response to a Notice to Corrected Application Papers, which was mailed on April 6, 2007. The Notice to File Corrected Application Papers 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 June 6, 2007. A Notice of Abandonment was mailed on December 11, 2007.

Petitioner asserts that the Office action dated April 6, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket

and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. Specifically, the petition fails to meet requirements 1 and 3.

As to item 1, the statement provided by attorney Davidson has failed to describe the system for recording an action received and has failed to establish that the docketing system was sufficiently reliable.

As to item 3, a review of the docket records shows that petitioner has failed to provide master docket records for the firm. Nor has petitioner provided a statement that such master docket records for the firm do not exists.

Accordingly, absent the required evidence to establish nonreceipt of the Notice to File Corrected Application Papers of April 6, 2007, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Thies et al.	:	
Application No. 11/724, 252	:	DECISION ON PETITION
Filed: March 15, 2007	:	
Attorney Docket No. 4662-639	:	

This is a decision on the renewed petition, filed May 16, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to Corrected Application Papers, which was mailed on April 6, 2007. The Notice to File Corrected Application Papers 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 June 6, 2007. A Notice of Abandonment was mailed on December 11, 2007. A petition filed under 37 CFR 1.181 was dismissed on May 13, 2008.

Petitioner asserts that the Office action dated April 6, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner

should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

It should be noted that a review of the drawings submitted on petition shows that the drawings are not compliant with 37 CFR 1.121(d). When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

This application is being referred to the Office of Patent Application Processing for re-mailing the Notice to File Corrected Application Papers of April 6, 2007. The period for reply will run from the mailing date of the Notice.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

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SEP 15 2008

In re Application of :
King et al. :
Application No. 11/724,315 : ON PETITION
Filed: March 15, 2007 :
Attorney Docket No. 7560 :

This is a decision on the petition, filed July 17, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on July 17, 2008. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450

Best Available Copy

Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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DEC 17 2008

In re Application of King et al Application No. 11/724,315 Filed: March 15, 2007 Attorney Docket No. 64480.001172	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed September 29, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 11, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 26, 2009 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center Art Unit 4128 for examination in due course.

Charlema Grant
Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/724,315	03/15/2007	Noel King	64480.001172

CONFIRMATION NO. 1855

NONPUBLICATION RESCISSION LETTER

21967
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

OC000000033621625

Date Mailed: 12/15/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 03/26/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/crgrant/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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JUN 0 9 2008

In re Application of	:	
Giovanni Galli	:	
Application No. 11/724,358	:	ON PETITION
Filed: March 15, 2007	:	
Attorney Docket No. IR-3131	:	

This is in response to the "PETITION UNDER 37 C.F.R. §1.47(b)" filed October 30, 2007. This petition was submitted by International Rectifier Corporation as assignee of the subject application, requesting to proceed without an oath or declaration signed by sole inventor Giovanni Galli. However, neither a 3.73(b) statement nor a declaration signed by the 47(b) party on behalf of the assignee was filed.

For the reasons stated herein, the petition is **DISMISSED** without consideration on the merits.

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 may 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 15, 2007, with an application data sheet, but without an oath or declaration. Accordingly, on March 30, 2007, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under

§ 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

In response, rule 47(b) applicant filed the instant petition, along with payment of the petition fee and of the late surcharge. This response was made timely by a petition for extension of time for response within the fifth month (and extension fee).

However, petitioner has not established the right to take action in this application. Pursuant to 37 CFR 3.73(b), a party must be established as the assignee by satisfying the requirements of that subsection, in order to be recognized as an owner or part owner, for purposes of taking action in patent matters before the Office. An assignee becomes of record either 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.

37 C.F.R. § 3.73 Establishing right of assignee to take action.
(a) The inventor is presumed to be the owner of a patent application, and any patent that may issue therefrom, unless there is an assignment. The original applicant is presumed to be the owner of a trademark application or registration, unless there is an assignment.

(b)(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is

recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or
(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

The action taken by the assignee, and the 37 CFR 3.73(b) submission establishing that the assignee is the appropriate assignee to take such action, can be combined in one paper. The establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted. 37 CFR 3.73(c). If the submission establishing ownership is not present, the action sought to be taken will not be given effect. If the submission establishing ownership is submitted at a later date, that date will be the date of the request for action or the date of the assignee's action taken. See also MPEP 324.

The instant petition was filed presumptively by the assignee. Petitioner states that the invention belongs to the rule 47(b) applicant under Italian law. The petition does not include documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment) or a statement where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). Nor is such evidence present in the record of the application. In addition, the petition does not include a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Importantly, the petition also does not include a declaration for patent executed by the assignee on behalf of the non-signing inventor (nor was one previously filed in this application).

Further, on request for reconsideration, petitioner should take note that acceptance of a declaration under § 1.47(b) requires:

(1) an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64 or 1.175;

(2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64;

(3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(4) the petition fee;

(5) a statement of the last known address of the non-signing inventor;

(6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention; and

(7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

Pursuant to requirements (1) and (2) above, any declaration submitted must include the required information for the inventor. Unless sole inventor Galli has decided to join in the application, the 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b). See MPEP 409.03(b).

With respect to requirement (6) above, a statement that they have propriety interest under Italian law and an excerpt presumably of certain articles of that law are not sufficient to meet this requirement. A legal memorandum is required. As stated in MPEP 409.03(f), a proprietary interest obtained other

than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Further correspondence with respect to this decision should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HERTEN, BURSTEIN, SHERIDAN,
CEVASCO, BOTTINELLI, LITT & HARZ, L.L.C.
ATTN: ARNOLD D. LITT ESQ.
21 MAIN STREET, COURT PLAZA NORTH
HACKENSACK NJ 07601

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SEP 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Samir B. SHENOUDA	:	
Application No. 11/724,359	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. LIT-028	:	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 signed by copy of the passport for applicant Samir B. Shenouda. 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 3749 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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SEP 28 2007

OFFICE OF PETITIONS

RODEY, DICKASON, SLOAN, AKIN & ROBB, PA
P.O. BOX 1888
ALBUQUERQUE, NM 87103

In re Application of :
Guillebaud and Majors :
Application No.: 11/724,363 : DECISION ACCORDING
Filed: March 14, 2007 : RULE 47(a) STATUS
Attorney Docket No:**15534-99999** :
For: **DETECTOR SYSTEM FOR TRAFFIC LAWS**

This is in response to the petition under 37 CFR 1.47(a), filed September 10, 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 14, 2007, without an executed oath or declaration. Accordingly, a "Notice to File Missing parts of Nonprovisional Application" (the "Notice") was mailed on May 10, 2007, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(a) was filed on September 10, 2007, with a request for an extension of time within the second month.

Petitioner has shown that inventor Guillebaud 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 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

DATE 9/05/07 APPLICATION NUMBER 11/724,363

DOC CODE LET. 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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SEP 28 2007

OFFICE OF PETITIONS

Louis J. Guillebaud
670 Black Hawk Drive, NE
Albuquerque, NM 87122

In re Application of	:
Guillebaud and Majors	:
Application No.: 11/724,363	: LETTER
Filed: March 14, 2007	:
Attorney Docket No: **15534-99999**	:
For: **DETECTOR SYSTEM FOR TRAFFIC LAWS**	

Dear Mr. Guillebaud:

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 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, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. 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).

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

RODEY, DICKASON, SLOAN, AKIN & ROBB, PA
P.O. BOX 1888
ALBUQUERQUE, NM 87103

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHARLES N.J. RUGGIERO
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD CT 06901-2682

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OFFICE OF PETITIONS

In re Application of	:	
GAGLIANO, Philip F.	:	
Application No. 11/724,450	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **0001499USU/2259**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 21, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement attesting that Philip Gagliano 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.

This application is being referred to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
STEPHAN, Gerard A.	:	
Application No. 11/724,470	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO WITHDRAW
Attorney Docket No. **270217 Stephan Button Hoo**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 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 Alfred M. Walker on behalf of all attorneys of record who are associated with customer No. 04988. 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 Gerard A. Stephan 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: **GERARD A. STEPHAN**
162 MILLER PLACE ROAD
MILLER PLACE, NY 11764

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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

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OFFICE OF PETITIONS

In re Application of	:	
Andrew F. Fireman, et al.	:	
Application No. 11/724,476	:	DECISION ON PETITION
Filed: March 14, 2007	:	TO WITHDRAW
Attorney Docket No. 44351-1007C3	:	FROM RECORD
	:	

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 10, 2008.

The request is **DISMISSED** 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 November 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GOODWIN PROCTER, LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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B2 PATENT SERVICES
406 ROSEMONT-RINGOES ROAD
STOCKTON, NJ 08559

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of

FOGEL, Kenneth D.
Application No. 11/724,480
Filed: March 15, 2007
Attorney Docket No. **B2010204 C**

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 29, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to B2 Patent Services has been revoked by the assignee of the patent application on January 12, 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: **BAKER & RANNELLS, PA**
575 ROUTE 28
SUITE 102
RARITAN NJ 08869

UNITED STATES PATENT AND TRADEMARK OFFICE

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

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FEB 02 2009

OFFICE OF PETITIONS

In re Application of
Ronald J. Zupancich, et. al.
Application No. 11/724,490
Filed: March 15, 2007
Attorney Docket No. 05-537-2

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 30, 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 (Notice), mailed January 9, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the reply in the form of an executed oath/declaration and $130 for the surcharge fee, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Andrea Smith
Petitions Examiner
Office of Petitions

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

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JUL 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Ronald J. Zupancich, et al.	:	
Application No. 11/724,490	:	DECISION ON PETITION
Filed: March 15, 2007	:	
Attorney Docket No. 05-537-2	:	

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 application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 3, 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 December 4, 2009. The Notice of Abandonment was mailed April 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3617 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

AMIN TALATI, LLC
444 NORTH ORLEANS STREET
SUITE 400
CHICAGO IL 60654

In re Application of	:	
Glen M. Snower	:	DECISION ON PETITION
Application No. 11/724,498	:	TO WITHDRAW
Filed: March 15, 2007	:	FROM RECORD
Attorney Docket No. 101	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Janine A. Moderson on behalf of all attorneys of record associated with Customer Number 51079. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed August 31, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/724,544	03/15/2007	Salman Akram	2269-3930.6.US (99-0051.06

TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY UT 84110

DATE MAILED: September 17, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 15, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/724,562	03/15/2007	Shinji Kuno	SUTOSH.125AUS	2378

7590 04/26/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
TRAN, THAI Q

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
04/26/2010	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

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INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Adrien R. LAVOIE et al. :
Application No. 11/724,569 :
Filed: March 17, 2007 :
Attorney Docket No. P25308 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 12, 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 02, 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 05, 2007, 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 replacement drawings; (2) the petition fee of $1540.00; 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 April 02, 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

Cc: **RAHUL D. ENGINEER**
BLAKELY, SOKOLFF, TAYLOR & ZAFMAN, LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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Stephen E. Feldman
7th Floor
12 E. 41st Street
New York, NY 10017

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OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :
Flavio DeRoma :
Application No. 11/724,577 :
Filed: March 14, 2007 :
Attorney Docket No. 367.24 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 5, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed May 9, 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 10, 2007. A Notice of Abandonment was mailed January 16, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item 1.

As to item (1) the Notice to File Missing Parts of a Nonprovisional Application required that a new Oath and Declaration be filed which was to include the application number and the residence address of each inventor. This was not submitted with the petition.

The Notice also mentioned that a previous payment of $145 (paid on March 14, 2007) will be applied to any additional fees that were required. This amount was not deducted from the $255 fee paid along with the petition filed on March 14, 2008. As such, a refund will be mailed by treasury check in the amount of $110 to the petitioner.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Stephen E. Feldman
7th Floor
12 E. 41st Street
New York, NY 10017

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Flavio DeRoma	:	
Application No. 11/724,577	:	DECISION ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. 367.24	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2008, to revive the above-identified application.

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 May 9, 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 10, 2007. A Notice of Abandonment was mailed January 16, 2008.

The petition decision mailed on June 17, 2008 dismissed the petition filed on March 5, 2008 for failure to provide an oath and declaration with the application number and the residence address of each inventor. The renewed petition includes this information.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected oath and declaration, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly the oath and declaration 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.

The revocation of power of attorney filed on August 18, 2008 is not acceptable. The reel and frame numbers where the assignment was recorded in the assignment records of the Office was not listed on the Statement under 37 CFR 3.73(b). All future correspondence regarding this application will be mailed solely to the address of record, until proper power of attorney documents are submitted. A copy will be sent to address noted on the petition.

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 August 11, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Michael J. Brown
Michael R. Graif
Curtis, Mallet-Prevost, Colt & Mosle, LLP
101 Park Avenue
New York, NY 10178-0061

UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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JUL 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Berthezene et al.	:	DECISION ON PETITION
Application No. 11/724,604	:	TO WITHDRAW
Filed: March 15, 2007	:	FROM RECORD
Attorney Docket No. 08641-048001/24857US	:	
ES		

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 2009.

The request is **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 Marc M. Wefers on behalf of all practitioners of record. All attorneys/agents have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address will remain unchanged until otherwise notified.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

JUN 11 2010

OFFICE OF PETITIONS

Application No. 11/724,627 :
Filed: March 15, 2007 :
Applicant: Diggelen, et al. : NOTICE
Attorney Docket No. GLBL022P2P6 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 filed May 25, 2007 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COOPER & DUNHAM LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112

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FEB 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Ippei Noda	:	
Application No. 11/724,634	:	ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. 2271/77045	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 11, 2009

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed October 10, 2008. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on January 11, 2009. The Office mailed a Notice of Abandonment on February 3, 2009.

To establish non-receipt of an Office action, a petitioner:

> must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not submitted a copy of a master docket record showing all his replies docketed for a due date of January 10, 2009, nor has petitioner stated that such a record does not exist. Rather, petitioner has only submitted a copy of the docket records for the instant application.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

---

[1] MPEP 711.03(c).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 06 2009

OFFICE OF PETITIONS

COOPER & DUNHAM LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112

In re Application of	:	
Ippei Noda	:	
Application No. 11/724,634	:	ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. 2271/77045	:	

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 19, 2009.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed October 10, 2008. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on January 11, 2009. The Office mailed a Notice of Abandonment on February 3, 2009. Applicant filed a petition to withdraw the holding of abandonment on February 11, 2009. However, the petition was dismissed in a decision mailed on February 24, 2009.

With the instant renewed petition, petitioner has submitted a copy of a master docket report, showing all of his replies docketed for a due date of January 10, 2009. An entry for the instant application is absent, supporting the conclusion that the October 10, 2008 Notice of Allowance was not received.

The application is being forwarded to Group Art Unit 2816 for re-mailing of the October 10, 2008 Notice of Allowance, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
David H. WELLS	:	
Application No. 11/724,654	:	DECISION GRANTING PETITION
Filed: March 14, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **MI22-3519**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 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 July 1, 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 2893 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.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/724,667	03/16/2007	Syed Karim	KAR-P-07-001	3036

51548 7590 10/09/2008
LAMPEL & ASSOCIATES, P.C.
555 SKOKIE BLVD., SUITE 500
NORTHBROOK, IL 60062

EXAMINER

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
10/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LAMPEL & ASSOCIATES, P.C.
555 SKOKIE BLVD., SUITE 500
NORTHBROOK, IL 60062

In re Application of:
Syed Karim
Serial No.: 11/724,667
Filed: March 16, 2007
Attorney Docket No.: KAR-P-07-001
Title: GRAVITY BASED POWER GENERATOR

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02(VI) ENERGY

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 and M.P.E.P. § 708.02(VI) Energy.

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 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), all petitions to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). According to subsection I of M.P.E.P. §708.02(a), the following conditions must be satisfied:

(C) The application, petition and required fees must be filed electronically using USPTO's electronic filing system (EFS), or EFS-web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application.

(D) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination.

(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.

(F) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview.

(G) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner.

(H) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

(I) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102 because it was not filed electronically using USPTO's electronic filing system (EFS), or EFS-Web, and did not include (1) a statement asserting that EFS and EFS-web were not available during the normal business hours for these systems at the time of filing the application. Nor did the application include (2) a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application, (3) a statement that applicant will agree to make an election without traverse in a telephonic interview, (4) a statement that applicant will agree to have an interview when requested by the examiner, (5) a statement that a preexamination search was conducted, and (6) an accelerated examination support document in support of the petition.

In addition, the application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 C.F.R. § 1.51 and in condition for examination at the time of filing. A review of the application record indicates that the application was filed without drawings in compliance with 37 CFR 1.84(e), namely, drawings

that are reasonably free from erasures and free from alterations, overwritings, and interlineations. A Notice to File Corrected Application Papers was mailed on April 4, 2008, to require replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). The lack of drawings in compliance with 37 CFR 1.84 is evidence that the application was not complete and in condition for examination at the time of filing. See M.P.E.P. § 708.02(a)(VIII)(C)(6).

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 the undersigned at (571) 272-1606.

Hien H. Phan, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

HP/JC

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Peter Wiedmann	: DECISION ON REQUEST FOR
Patent Number	: 7617656	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/724,699	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES SURGICAL
A DIVISION OF TYCO HEALTHCARE GROUP LP
195 MCDERMOTT ROAD
NORTH HAVEN CT 06473

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JUN 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Stanislaw Marczyk	:	
Application No. 11/724,733	:	DECISION DISMISSING PETITION
Filed: March 5, 2007	:	
Attorney Docket No. H-S-00897	:	

This is a decision on the petition, filed April 10, 2007, to accord the above-identified application a filing date of March 15, 2007, with Figures 2-18 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

Application papers in the above-identified application were filed on March 15, 2007. However, on April 5, 2007, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were notified the application papers had been accorded a filing date of March 15, 2007; however, Figures 2-18 of the drawings appeared to have been omitted.

In response, applicant filed the present petition. Applicant has submitted a postcard receipt identifying the application, itemizing "11 sheets of drawings", and bearing a USPTO date stamp of March 15, 2007.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

Accordingly, petition has demonstrated that Figures 2-18 were included with the drawings filed on March 15, 2007.

However, the Office has not received the petition in full. Specifically, the office did not receive the page of the petition containing the signature. Pursuant to 37 CFR 1.4(d), each paper filed before the Office must contain a signature.

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 1.53."

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

---

[1] See MPEP 503.

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

UNITED STATES SURGICAL
A DIVISION OF TYCO HEALTHCARE GROUP LP
195 MCDERMOTT ROAD
NORTH HAVEN CT 06473

In re Application of	:	
Stanislaw Marczyk	:	
Application No. 11/724,733	:	DECISION GRANTING PETITION
Filed: March 5, 2007	:	
Attorney Docket No. H-S-00897	:	

This is a decision on the petition, filed June 18, 2007, to accord the above-identified application a filing date of March 15, 2007, with Figures 2-18 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 15, 2007. However, on April 5, 2007, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were notified the application papers had been accorded a filing date of March 15, 2007; however, Figures 2-18 of the drawings appeared to have been omitted.

In response, applicant filed a petition on May 10, 2007. However, the petition was dismissed in a decision mailed on June 5, 2007. The decision pointed out that Applicant properly submitted a postcard receipt identifying the application,

itemizing "11 sheets of drawings", and bearing a USPTO date stamp of March 15, 2007. However, the petition was dismissed because the Office did not receive the page of the petition containing a signature as required by 37 CFR 1.4(d).

On renewed petition, applicant has submitted a petition containing a signature.

In view of the above, the petition is **GRANTED**.

Given the basis for granting this petition, the $400 petition fee submitted with the renewed petition, as well as the $400 fee submitted on May 10, 2007, have been refunded to Deposit Account No. 21-0550.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed March 15, 2007, and Figures 2-18 of the drawings as resupplied on petition filed June 18, 2007, and for indication in Office records that eleven (11) sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

FEB 18 2010

OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of	:	
Novick, et al.	:	
Application No. 11/724,737	:	ON APPLICATION FOR
Filed: March 15, 2007	:	PATENT TERM ADJUSTMENT
Atty Docket No.20993-001 CIP DIV	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed December 14, 2009. Applicants submit that the patent term adjustment to be indicated on the patent is one hundred and five (105) days, not forty-five (45) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

It is noted that any period of adjustment will be entered in light of 35 U.S.C. 154(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is further noted that a Request for Continued Examination (RCE) was filed in this application on July 6, 2009.

To the extent that applicants otherwise requests reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance, the application for patent term adjustment is **granted to the extent indicated herein**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance is one hundred and five (105) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On September 17, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 45 days. Applicants timely filed the instant application for patent term adjustment[2].

Applicants dispute the reduction to the patent term adjustment of 60 days entered pursuant to 37 CFR 1.704(c)(8) for the filing of a terminal disclaimer on September 4, 2009, after the filing of Request for Continued Examination on July 6, 2009. Specifically, applicants states that:

> On September 4, 2009, Applicants submitted a Terminal Disclaimer, which the USPTO qualified as a submission under 37 CFR 1.704(c)(8). However, Applicants submit that this paper was expressly requested by the Examiner. As stated in the Interview Summary mailed September 4, 2009 (copy attached), the Examiner expressly requested the Terminal Disclaimer be filed. Therefore, Applicants submit no delay is generated by this filing.

---

[2] The issue fee was paid on December 14, 2009. Accordingly, applicant timely filed the instant request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.704(b) prior to the payment of the fee set forth in 37 CFR 1.18(e).

Excerpt taken from "Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. § 1.705(b)", filed December 14, 2009, 2009, p. 2.

Applicants' argument has been considered and is well taken. A review of the record reveals that a Request for Continued Examination was filed on July 6, 2009, and was accompanied by terminal disclaimer. The terminal disclaimer filed July 6, 2009, was not entered. The Examiner assigned to the application requested that a new terminal disclaimer be filed in an interview conducted September 3, 2009, the substance of which was reduced to writing in an Interview Summary mailed September 4, 2009. A terminal disclaimer was filed on September 3, 2009. Because the Examiner requested the terminal disclaimer to be filed, applicants did not fail to engage in reasonable efforts to conclude processing such that entry of a reduction to the patent term adjustment under 37 CFR 1.704(c)(8) would be warranted. Accordingly, the period of reduction of 60 days is being removed.

Deposit account 50-0311 will be charged $200.00 for the fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to the patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Wednesday

PALM INTRANET

Date: 2/17/2010
Time: 15:01:08

PTA Calculations for Application: 11/724737			
Application Filing Date:	03/15/2007	PTO Delay (PTO):	148
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	103
Post-Issue Petitions:	0	Total PTA (days):	105
PTO Delay Adjustment:	60		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
72	02/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	60		
58	09/17/2009	MAIL NOTICE OF ALLOWANCE			
57	09/14/2009	ISSUE REVISION COMPLETED			
56	09/14/2009	DOCUMENT VERIFICATION			
55	09/14/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
54	09/14/2009	NOTICE OF ALLOWABILITY			
49	09/11/2009	PARALEGAL TD ACCEPTED			
48	09/04/2009	TERMINAL DISCLAIMER FILED		60	40
47	09/04/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
46	09/03/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
45	07/28/2009	PARALEGAL TD NOT ACCEPTED			
44	07/06/2009	TERMINAL DISCLAIMER FILED			
43	07/07/2009	DATE FORWARDED TO EXAMINER			
42	07/06/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
41	07/07/2009	DATE FORWARDED TO EXAMINER			
40	07/06/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)		43	31
39	07/07/2009	DISPOSAL FOR A RCE / CPA / R129			
38	07/06/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
37	07/06/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
36	06/19/2009	MAIL ADVISORY ACTION (PTOL - 303)			
35	06/18/2009	ADVISORY ACTION (PTOL-303)			
34	05/19/2009	NEW OR ADDITIONAL DRAWING FILED			

33	05/21/2009	DATE FORWARDED TO EXAMINER			
32	05/19/2009	AMENDMENT AFTER FINAL REJECTION			
31	02/24/2009	MAIL FINAL REJECTION (PTOL - 326)			
30	02/19/2009	FINAL REJECTION			
29	01/27/2009	DATE FORWARDED TO EXAMINER			
28	01/16/2009	RESPONSE AFTER NON-FINAL ACTION			
27	11/25/2008	MAIL NON-FINAL REJECTION			
26	11/24/2008	NON-FINAL REJECTION			
25	03/15/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	11/12/2008	DATE FORWARDED TO EXAMINER			
23	11/10/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
22	10/10/2008	MAIL RESTRICTION REQUIREMENT	148		-1
21	10/09/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
20	08/06/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
19	07/26/2007	PG-PUB ISSUE NOTIFICATION			
18	05/10/2007	CASE DOCKETED TO EXAMINER IN GAU			
17	05/05/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	03/15/2007	REFERENCE CAPTURE ON IDS			
15.7	03/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	03/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	04/17/2007	APPLICATION DISPATCHED FROM OIPE			
13	04/13/2007	SENT TO CLASSIFICATION CONTRACTOR			
12	04/13/2007	APPLICATION IS NOW COMPLETE			
7	04/09/2007	CLEARED BY L&R (LARS)			
6	04/06/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
5	04/06/2007	CASE CLASSIFIED BY OIPE			
4	04/04/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	03/27/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	03/15/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	03/19/2007	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT./ MAIL STOP NRW-097
7801 COMPUTER AVENUE SOUTH
BLOOMINGTON, MN 55435

Mail Date: 04/21/2010

Applicant	: Mallika Roy	: DECISION ON REQUEST FOR
Patent Number	: 7589928	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/724,739	: 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 **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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Svetozar B. Petrovich
6517 North Coldwell Avenue
Chicago IL 60646

COPY MAILED

JAN 11 2008

OFFICE OF PETITIONS

In re Application of	:	
Svetozar B. Petrovich	:	
Application No. 11/724,752	:	DECISION DISMISSING
Filed: March 15, 2007	:	PETITION UNDER 37 CFR 1.10(e)

This is a decision on the petition, filed June 19, 2007, which is properly treated as a petition under 37 CFR 1.10(e) requesting that the above-identified application be accorded a filing date of March 9, 2007, instead of the currently accorded date of March 15, 2007, based on non-receipt by the Office of the original documents mailed via "Express Mail Post Office to Addressee" on March 9, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted.

The rule at 37 CFR 1.10(e) applies where correspondence deposited with the USPS as "Express Mail" was never received by the Office. Any person who mails correspondence addressed, as set out in 37 CFR 1.1 (a), to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS, but not received by the Office, may petition the Director to consider such correspondence as filed on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitutes the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the

copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

The petition lacks item (2).

Petitioner states that this application was originally deposited as Express Mail on March 9, 2007, but that the originally deposited Express Mail package was lost prior to reaching the USPTO. Upon learning of this, petitioner resubmitted this application on March 15, 2007. In support of the statement that this application should be accorded a filing date of March 9, 2007, petitioner has submitted a copy of a USPS Express Mail sales receipt dated March 9, 2007 for a package bearing Express Mail label number EB105197903US, a copy of Express Mail label number EB105197903US having a "date-in" of March 9, 2007, and a USPS Track & Confirm record which shows that a package bearing Express Mail label number EB105197903US was accepted on March 9, 2007 and enroute on March 16, 2007, but does not show that the package was ever delivered to the USPTO. Therefore, in view of the evidence submitted, petitioner requests that this application be accorded a filing date of March 9, 2007.

In reviewing the copy of the transmittal letter, which accompanied the originally submitted application papers on March 9, 2007, it is noted that the Express Mail label number appearing thereon is "EQ105197903US." However, this is not the same Express Mail label number appearing on the Express Mail label, the sales receipt or the Track & Confirm record, all of which bear an Express Mail label number of EB105197903US. Although the Express Mail label number on the transmittal letter differs only by one letter; i.e., EQ instead of EB, this application cannot be accorded the March 9, 2007 requested filing date since it fails to include the correct Express Mail mailing number. Therefore, compliance with item (2) above has not been met. Accordingly, this application cannot be accorded the March 9, 2007 requested filing date.

It is noted that a petition to revive under 37 CFR 1.137(b) was filed in parent Application No. 11/418,157 on May 10, 2007 for the purpose of establishing copendency with the present application, which petition was granted on November 23, 2007. Therefore, this application is copending with parent Application No. 11/418,157.

This application is being referred to the Office of Patent Application Processing for further processing with the March 15, 2007 filing date originally accorded this application.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dyle, for
Frances Hicks
Petitions Examiner
Office of Petitions

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SVETOZAR B. PETROVICH
6517 NORTH COLDWELL AVENUE
CHICAGO, IL 60646

MAILED

MAR 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Svetozar B. Perovich	:	
Application No. 11/724,752	:	DECISION DISMISSING
Filed: March 15, 2007	:	REQUEST FOR
Attorney Docket No.	:	RECONSIDERATION

This is a decision in response to the request for reconsideration filed May 5, 2008, requesting that the decision mailed January 11, 2008, be reconsidered and that the application be accorded a filing date of March 9, 2007, rather than the presently accorded March 15, 2007.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on March 9, 2007, pursuant to the requirements of 37 CFR 1.10.

The request for reconsideration filed May 5, 2008 is untimely. The decision mailed January 11, 2008 allowed petitioner two months to reply in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 were permitted. The Office received the request for reconsideration on May 5, 2008, which is after the two month period to reply.

The petition has been reconsidered as requested, but the result is the same.

Accordingly, the petition is **DISMISSED**.

The file does not indicate a change of address has been submitted. The decision mailed January 11, 2008 was return to the USPTO. 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 below address; however, the Office will mail all future correspondence solely to the address of record.

Any further request for reconsideration of this decision should be filed within TWO MONTHS of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of March 15, 2007.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Svetozar B. Petrovich
6526 N. Ponchartrain Blvd.
Chicago, IL 60646-2725

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/724,759	03/15/2007	Byung-Gwon Cho	SDIYOU.053AUS	3243

7590 11/02/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
SHALWALA, BIPIN H

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	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.

Niomi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/30/2009 NFARMER 0312223200
DRN:111410 Name/Number:11724759
FC: 9204 $500.00 CR

Adjustment date: 10/30/2009 NFARMER
03/20/2007 SSITHIBI 00000016 11724759
03 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

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SEP 23 2008

In re Application of	:	
William H. Burckholter, et al.	:	
Application No. 11/724,776	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 31870/04001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 16, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant William H. Burckholter. 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 3754 for action on the merits commensurate with this decision.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions

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Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

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AUG 2 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Frank J. DiSanto, et al.	:	
Application No. 11/724,793	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO WITHDRAW
Attorney Docket No. COPY-81	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Howard IP Law Group has been revoked by the assignee of the patent application on July 16, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **The Plevy Law Firm**
10 Rutgers Place
Trenton, NJ 08618

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

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MAR 11 2010

In re Application of	:	
Michael A. Garrabrant, et al.	:	
Application No. 11/724,828	:	DECISION GRANTING PETITION
Filed: March 16, 2007	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. AWH-06-1059R	:	

This is a decision on the petition, filed March 10, 2010, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

Terri Johnson
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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Knobbe, Martens, Olson & Bear LLP
2040 Main Street
14th Floor
Irvine, CA 92614

Mail Date: 04/21/2010

Applicant	: Ravinder Aggarwal	: DECISION ON REQUEST FOR
Patent Number	: 7585142	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/724,853	: 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 **124** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MCCAFEE & TAFT
TENTH FLOOR, TWO
LEADERSHIP SQUARE
211 NORTH ROBINSON
OKLAHOMA CITY, OK 73102

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SEP 2 5 2007

OFFICE OF PETITIONS

In re Application of

Roger D. SCHAAF
Application No. 11/724,869
Filed: March 16, 2007
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 16, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3617 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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211 NORTH ROBINSON
OKLAHOMA CITY OK 73102

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OFFICE OF PETITIONS

In re Application of	:	
SCHAAF, Roger D.	:	
Application No. 11/724,869	:	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 of record under 37 C.F.R. § 1.36(b), filed August 07, 2008.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Anthony Rahhal on behalf of all attorneys of record who are associated with customer No. 24919. All attorneys/agents associated with the Customer Number 24919 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joe Smith at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROBER D. SCHAAF**
140 ASHFORD
HOLLISTER MO 65672-6122

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/724,870	03/16/2007	Jae-Sung Sim	5649-2070	3753

20792 7590 07/02/2009
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
HO, TU TU V

ART UNIT	PAPER NUMBER
2818	

MAIL DATE	DELIVERY MODE
07/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of SIM et al.	:	
Appl. No.: 11/724,870	:	**DECISION ON PETITION**
Filed: March 16, 2007	:	**UNDER 37 CFR 1.59**
For: CHARGE-TRAP TYPE NON-VOLATILE MEMORY DEVICES AND RELATED METHODS	:	

This is a decision on the petition under 37 CFR 1.59(b), filed January 23, 2009, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that the Request for Continued Examination, Amendment After Final, Fee Worksheet and EFS Acknowledgement, filed January 23, 2009, be expunged from the record. Petitioner states that these documents, which include errors, were inadvertently submitted in the prosecution file of this application.

"Materiality" is defined as any information which the examiner considers as being important to a determination of patentability of the claims.

The petition is deficient because the petition does not contain a clear statement that the information requested to be expunged is either: (1) a trade secret, proprietary, and/or subject to a protective order; or (2) was unintentionally submitted and 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.

Questions regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.

Richard K. Seidel, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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INVENT THIS! INC.
THE LAW OFFICE OF ANTHONY R. CARLIS
P.O. BOX 72333
THORNDALE, PA 19372

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MAR 3 1 2008

In re Application of	:	
BALBIRNIE, Patricia A.	:	
Application No. 11/724,874	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO WITHDRAW
Attorney Docket No. **BAL-001.1**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 16, 2007.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **PATRICIA A. BALBIRNIE**
1317 RICHMOND PLACE
DOWNINGTOWN, PA 19335

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Mail Date: 04/21/2010

Applicant	: Stephan Walentowski	: DECISION ON REQUEST FOR
Patent Number	: 7600770	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/724,875	: 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 **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 & LARDNER LLP
111 HUNTING AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of :
Fred Hewitt SMITH :
Application No. 11/724,879 :
Filed: March 15, 2007 :
Attorney Docket No. 081913-0134 (BSIL-0118A/P :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 3, 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 applicant's driver's license. 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.

This application is being referred to the Office Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

April Wise
Petitions Examiner
Office of Petitions

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FOLEY & LARDNER LLP
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BOSTON, MA 02199-7610

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OFFICE OF PETITIONS

In re Application of	:	
Fred Hewitt Smith	:	
Application No.: 11/724,879	:	ON PETITION
Filed: March 15, 2007	:	
Attorney Docket No.: 081913-0134 (BSIL-0118A/P	:	

This is a decision on the petition, filed February 18, 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 16, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2612 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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GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO CA 92101

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OFFICE OF PETITIONS

In re Application of
Chambers et al.
Application No. 11/724,892
Filed: March 16, 2007
Attorney Docket No. CCHA-1044535

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 28, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be

entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

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 2144 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
11/724,892	03/16/2007	2144	565	CCHA-1044535	12	1

CONFIRMATION NO. 4521

CORRECTED FILING RECEIPT

27111
GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO, CA 92101

OC000000028550058

Date Mailed: 02/28/2008

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)

Gary Clark Chambers, West Hollywood, CA;
Brian Robert Tefft, Gilbert, AZ;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/783,002 03/16/2006

Foreign Applications

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 11/724,892**

Projected Publication Date: 05/29/2008

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Advertising content management system and method

Preliminary Class

709

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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Tyco Electronics Corporation
309 Constitution Drive
Mail Stop R34/2A
Menlo Park, CA 94025

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OFFICE OF PETITIONS

In re Application of
Adrian I. Cogan, et. al.
Application No. 11/724,907
Filed: March 15, 2007
Attorney Docket No. MPI745-US2

DECISION GRANTING PETITION

This is a decision on the petition filed October 19, 2009, 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 5, 2009. A Notice of Abandonment was mailed on September 22, 2009.

Petitioner argues "An Office action was mailed by the PTO for this application on March 5, 2009. On September 8, 2009, the following documents were mailed to Mail Stop Amendment at the PTO under 37 CFR § 1.8 in reply to that office action: (a) a Transmittal Form, indicating an Extension of Time Request was included; (b) a Fee Transmittal in duplicate, indicating payment for a 3-month extension of time ($1110) and a fee for an information disclosure statement ($180); (c) a Reply and Disclosure Statement Under 37 CFR § 1.56, referring on page 1 to a request for an extension of time and providing authorization to charge the necessary fee to Deposit Account No. 18-0560; and (d) a return postcard identifying the above items. The Transmittal Form, the Fee Transmittal, and the Reply each had a Certificate of Mailing printed on them, signed by the undersigned, and dated September 8, 2009. Duplicate copies of the above documents are attached hereto."

A review of the record shows that the United States Patent and Trademark Office (USPTO) received the above itemized documents on September 14, 2009, in which the documents contains a Certificate of Mailing under 37 CFR 1.8 dated September 8, 2009. Therefore, the response filed by Certificate of Mailing on September 8, 2009 is accepted as being timely filed[1].

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 2823 for review of the response received on September 14, 2009.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] The undersigned notes that the due date of September 5, 2009 was a Saturday and Monday, September 7, 2009 was a Federal Holiday. Therefore, the next succeeding business day to file a reply was on Tuesday, September 8, 2009.

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Paper No.

JOHN MAIER, III
660 ARRON COURT
KINGSTON NY 12401

RECEIVED

JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Lance Pennington	:	DECISION ON PETITION
Application No. 11/724,917	:	
Filed: March 16, 2007	:	
Title: BRAKE	:	

This is a decision on the PETITION TO REVIVE AN UNINTENTIONALLY AND/OR UNAVOIDABLY ABANDONED APPLICATION filed September 18, 2008. Given payment of the petition fee for consideration under 37 CFR 1.137(b) and the arguments on petition, the petition is treated solely under 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed November 29, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time obtained, the application became abandoned effective March 1, 2008. A courtesy Notice of Abandonment was mailed on June 17, 2008.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 3683 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed September 18, 2008.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

JOHN MAIER, III
P.O. Box 2324
KINGSTON NY 12401

MAILED

FEB 25 2009

OFFICE OF PETITIONS

In re Application of	:	**REMAILED**
Lance Pennington	:	DECISION ON PETITION
Application No. 11/724,917	:	
Filed: March 16, 2007	:	
Title: BRAKE	:	

This is a decision on the PETITION TO REVIVE AN UNINTENTIONALLY AND/OR UNAVOIDABLY ABANDONED APPLICATION filed September 18, 2008. Given payment of the petition fee for consideration under 37 CFR 1.137(b) and the arguments on petition, the petition is treated solely under 37 CFR 1.137(b).

This decision was originally mailed on January 5, 2009 to the correspondence address of record. However, the decision was returned by the postal service. As a one-time courtesy, the decision is being re-mailed to the address on the petition. Petitioner should file a change of correspondence address if the correspondence address has changed. All future correspondence, including any Office action issued by the examiner, will be mailed to the correspondence address of record (660 Aaron Court) until such time as a proper change of correspondence address is filed and entered.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed November 29, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time obtained, the application became abandoned effective March 1, 2008. A courtesy Notice of Abandonment was mailed on June 17, 2008.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 3683 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed September 18, 2008.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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JOHN F. LETCHFORD
ARCHER & GREINER, P.C.
ONE CENENNIAL SQUARE
HADDONFIELD NJ 08033

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MAR 1 2 2008

OFFICE OF PETITIONS

In re Application of	:	
OSENBAUCH, Douglas J. et al.	:	
Application No. 11/724,985	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO WITHDRAW
Attorney Docket No. **FAR067.10004**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 26, 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 John Letchford, the sole attorney of record. John Letchford has been withdrawn as attorneys or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the second named inventor Daniel Triano at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle Jackson
Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **DANIEL TRIANO**
3256 SUMMER VALLEY ROAD
NEW RINGGOLD, PA 17960

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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	: Markus Altmann	: DECISION ON REQUEST FOR
Patent Number	: 7638724	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/725,000	: 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 **142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TED MASTERS
TED MASTERS & ASSOCIATES, INC.
5121 SPICEWOOD DRIVE
CHARLOTTE NC 28227-0313

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AUG 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Salvatore Ferrantelli et al.	:	
Application No. 11/725,003	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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 copy of the applicant's insurance card proving that he/she is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3644 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE, NY 11747

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JUN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Donald E. Krompasick	:	DECISION ON PETITION
Application No. 11/725,017	:	TO WITHDRAW
Filed: March 16, 2007	:	FROM RECORD
Attorney Docket No. 1429-11 CON III	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2009 and resubmitted on April 9, 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.*

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 are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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OCT 2 9 2008

OFFICE OF PETITIONS

Heller Ehrman, LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122

In re Application of	:	
Avi Ashkenazi et al.	:	
Application No. 11/725,027	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO WITHDRAW
Attorney Docket No. 39766-0100CP1D2	:	FROM RECORD
	:	

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 23, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Leslie B. Overman does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Goodwin Procter, LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

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.
11/725,028	03/16/2007	Kartik Venkataraman	PAT000911-002/US/CON	5206

7590 08/12/2008

JONES DAY
500 GRANT STREET
SUITE 3100
PITTSBURGH, PA 15219-2502

EXAMINER
NGUYEN, KIMBINH T

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
08/12/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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Adjustment date: 08/12/2008  BPOWELL
03/20/2007 ATRINH   00000043 11725028
02 FC:1111                      -500.00 OP
04 FC:1201                     -1800.00 OP
05 FC:1202                      -600.00 OP
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FORM PET651G (Rev. 08/07)

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Haiming Tsai	: DECISION ON REQUEST FOR
Patent Number	: 7600765	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/725,049	: 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 **225** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

Mark J. Cohen, Esq.
SCULLY, SCOTT, MURPHY & PRESSER, P. C.
STE 300
400 Garden City Plaza
Garden City NY 11530

MAILED

MAR 23 2009

OFFICE OF PETITIONS

In re Application of
Nicholas Sorge
Application No. 11/725,062
Filed: March 15, 2007
Attorney Docket No. 20939Y

DECISION ON PETITION

This is a decision on the petition, filed February 24, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed May 21, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on December 24, 2008.

Petitioner asserts that the Office action dated May 21, 2008 was not received. Petitioner has provided master docket records where the final Office Action would have been entered had it been received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. 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 master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 3711 for re-mailing the Office action of May 21, 2008. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

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JUL 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Samuel R. Denmeade, et al.	:	
Application No. 11/725,135	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO WITHDRAW
Attorney Docket No. 50562-P006US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 6, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Paul Hastings, Janofsky & Walker, LLP has been revoked by the assignee of the patent application on June 17, 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: GENSPERA, INC.
12100 WILSHIRE BLVD.
8TH FLOOR
LOS ANGELES, CA 90025

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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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AUG 0 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Gow et al.	:	
Application No. 11/725,140	:	DECISION ON PETITION
Filed: 03/16/2007	:	
Attorney Docket No. HEA-003.01	:	

This is a decision on the petition filed May 15, 2007, requesting that the Office accord the present application a filing date of March 16, 2007, with pages 72-75 of specification as part of the original disclosure.

On March 16, 2007, applicants filed the above-identified application. On April 2, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of March 16, 2007, and advising applicants that pages 72-75 of the specification appeared to have been omitted.

In response, on May 15, 2007, applicants submitted the present petition. Upon review of the record, pages 72-75 of specification have been located among the application papers. Therefore, the application will be accorded a filing date of March 16, 2007, with pages 72-75 of specification as part of the original disclosure.

Accordingly, the petition is **granted**.

The request for the submission of pages 72-75 of specification was sent in error and is hereby **withdrawn**. The $400.00 petition fee is unnecessary and will be refunded to the Deposit Account.

This matter is being referred to the Office of Initial Patent Examination. The Office of Initial Patent Examination is directed to **accord the above-identified application a filing date of March 16, 2007**, using the specification submitted on filing (including pages 72-75 of specification).

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Gow, Sypert, Li, Manville, and Alberte	:	DECISION ACCORDING STATUS
Application No. 11/725,140	:	UNDER 37 CFR 1.47(a)
Filed: 03/16/2007	:	
Atty Docket No. HEA-003.01	:	
Title: EXTRACTS AND METHODS	:	
COMPRISING CURCUMA SPECIES	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 13, 2008. Petitioners obtained an extension of time for response within the fifth month. Accordingly, the petition is filed timely.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioners showed that the non-signing inventor constructively refused to join in the filing of the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to the Office of Patent Application Processing.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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H. Brock Manville
102 Adams Place
Freehold, NJ 07728

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Gow, Sypert, Li, Manville, and Alberte	:	
Application No. 11/725,140	:	LETTER
Filed: 03/16/2007	:	
Atty Docket No. HEA-003.01	:	
Title: EXTRACTS AND METHODS	:	
COMPRISING CURCUMA SPECIES	:	

Dear Mr. Manville:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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SEP 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Adya, et al.	:	
Application No. 11/725,195	:	DECISION GRANTING
Filed: March 17, 2007	:	PETITION
Attorney Docket No. MFFT-5751/317438.01	:	

This is a decision on the petition filed May 21, 2007 (certificate of mailing date May 17, 2007), requesting that the above-identified application be accorded a filing date of March 16, 2007, rather than the presently accorded date of March 17, 2007. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on March 16, 2007 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV800288853US bears a handwritten "date-in" of 3/17/07, it also includes a USPS receipt date stamp of MAR 16 2007. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is March 16, 2007. The same Express Mail label number also appears on the original application transmittal letter of record in the file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on March 16, 2007, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of March 16, 2007, and has been so accorded.

In view of the above, the petition is **GRANTED**.

The petition fee of $130.00 is unnecessary and will be refunded to petitioner's deposit account.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to March 16, 2007and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3230. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jeffrey Schroeder
10417 256th Ave
Trevor, WI 53179

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of Schroeder et al. :
Application No. 11/725,198 :
Filing Date: March 19, 2007 :
For: Secure Post :

Decision on Petition

This is a decision on the petition filed March 1, 2010, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Facts

The Office mailed a Notice of Allowance on October 1, 2009. The Notice required the submission of $755 for the issue fee and $300 for the publication fee. The Notice set a statutory period for reply of three (3) months.

A reply to the Notice of Allowance was filed December 10, 2009. The reply consisted of a check for $1,055 and an issue fee transmittal sheet.

The check was not honored by the bank based on the check being drawn to a closed bank account. As a result, the application became abandoned on Tuesday, January 5, 2010.

The Office mailed a Notice of Abandonment on January 6, 2010.

The instant petition was filed March 1, 2010, and is signed by one of the two inventors.

The petition states,

> I ... inadvertently [wrote] the check from a closed, old account, rather than from our new account, probably due to [the] habit of using the old account for the company.

The petition includes a new check for $1,055 and requests the Office withdraw the holding of abandonment.

Discussion

Petitioner appears to misunderstand the requirements that must be met in order for a petition to withdraw the holding of abandonment. A grantable petition to withdraw the holding of abandonment must demonstrate the application is not actually abandoned.

Example: The Office mails an Office action.

The inventor timely files a reply to the Office action.

The Office inadvertently misplaces the reply and the reply is not matched with the file.

The Office mails a Notice of Abandonment stating the application is abandoned because a reply to the Office action was not filed.

A petition to withdraw the holding of abandonment could be filed demonstrating the application is not actually abandoned because a reply was timely filed.

In this case, petitioner does not allege the issue fee and publication were in fact timely paid. Instead, petitioner concedes the check for the fees filed December 10, 2009, was drawn to a closed bank account. Therefore, the application is clearly abandoned and a petition to withdraw the holding of abandonment cannot be granted.

Even if the petition included evidence to establish a proper check for the issue fee and publication fee was timely filed, the petition could not be granted because the petition is not properly signed. A petition must be signed by all of the inventors, a registered patent attorney, a registered patent agent, or an assignee of record.[1] A petition can also be signed by a single inventor on behalf of himself and other inventors if the other inventors have given the inventor written authority to act on their behalf and such written authority has been filed in the application.[2]

The petition is signed by inventor Schroeder, but not by inventor Heyden. Schroeder does not appear to be a registered patent attorney, registered patent agent, or the assignee of the application. The record fails to include a statement signed by Heyden giving Schroeder the right to sign on his behalf. Therefore, the petition is not properly signed.

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[1] If signed by an assignee, a showing under 37 CFR 3.81(b) must be provided.

[2] As stated in 37 CFR 1.31, "An applicant for patent may file and prosecute his or her own case, or he or she may give a power of attorney so as to be represented by one or more patent practitioners or joint inventors." *See also* 37 CFR 1.32(c)(1).

MPEP 402.01 states, "Sometimes in an application naming joint inventors, one or more of the joint inventors gives to the other joint inventor(s) the power of attorney in the application. Such power will be recognized even though the one to whom it is given is not registered."

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:

(1) The required reply,
(2) The required petition fee ($810), 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.

As to item (1), since the issue fee and publication fee have now been paid, the only reply that would need to be filed is the $50 fee assessed by the Office for "bounced" checks.

A petition under 37 CFR 1.137(b) must be properly signed. If a petition under 37 CFR 1.137(b) signed by both inventors is filed, the petition will be considered to be properly signed.

A copy of a blank PDF "fillable" petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

If petitioner does not wish to file a petition to revive the application, petitioner may file a request for a refund of the $755 and the $300 paid March 1, 2010. Since the fees were paid after the application became abandoned, the fees are refundable absent revival of the application. A request for a refund should be sent to: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany any request for refund.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BRADLEY ARANT ROSE & WHITE LLP
200 CLINTON AVE., WEST, SUITE 900
HUNTSVILLE, AL 35801

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OFFICE OF PETITIONS

In re Application of	:	
Petriva W. COLEY	:	
Application No. 11/725,211	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. OC324-092251	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 12, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes an affidavit signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

The application is being forwarded to Technology Center Art Unit 3761 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Cook, Alex, McFarron, Manzo, Cummings & Mehler LTD
Suite 2850
200 West Adams Street
Chicago, IL 60606

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MAR 1 7 2008

OFFICE OF PETITIONS

In re Application of	:	
G. Jack Lipovski	:	
Application No. 11/725,212	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO WITHDRAW
Attorney Docket No. 024-00005	:	FROM RECORD
	:	

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 9, 2007.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Cook, Alex, McFarron, Manzo, Cummings & Mehler LTD has been revoked by the applicant of the patent application on November 1, 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: **Gerald John (Jack) Lipovski**
15017 Calaveras Drive
Austin TX 78717

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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In re Application of
G. Jack Lipovski

Application No. 11725212

Filed: March 16,2007

Attorney Docket No. 024-00005

: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 16-MAR-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Katsuhiko Nishizaka	: DECISION ON REQUEST FOR
Patent Number	: 7607748	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/725,213	: 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 **349** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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In re Application of Robert John Brewer, et al. Application No. 11/725,261 Filed: March 19, 2007 Attorney Docket No. ADIRE.005A	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before December 3, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 3, 2009. Accordingly, the date of abandonment of this application is December 4, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

The drawings have been approved by the USPTO draftsperson.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

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SEP 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Efendic, et al.	:	
Application No. 11/725,262	:	DECISION ON PETITION
Filed: March 19, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 3745.274US	:	

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed June 25, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed application set forth in the concurrently filed Application Data Sheet (ADS)[1].

The petition is **DISMISSED AS MOOT.**

A review of the application file history reveals that the above-cited application was filed with a claim for priority to several prior-filed application set forth on the first sentence of the specification. The claim for priority as cited on the specification stated, in pertinent part, that, "[t]his application is a continuation of U.S. application no 11/478,107, filed June 29, 2006 . . .". The instant petition was filed on June 25, 2008, requesting that the priority data be corrected to reflect the priority claim to U.S. application 11/478,107, rather than the U.S. application 11/487,107 as is currently cited in USPTO records. The priority claim to application 11/478, 107 was cited correctly on March 19, 2007, in the first sentence of the specification, however, it appears that the priority claim was entered incorrectly by the Office. A petition under 37 CFR 1.78 is not necessary to correct this error, and the subject petition is dismissed as moot, accordingly.

In view of the above, the $1,410.00 petition fee submitted is unnecessary and will be refunded to petitioner, in due course.

The priority data has been corrected in Office records and a corrected filing receipt is enclosed.

Any questions concerning this decision on petition may be directed to Kenya McLaughlin, Petitions Attorney at (571) 272-3222. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1600, GAU 1645 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to

[1] It is noted that ADS filed June 25, 2008, is not proper because it is not signed in accordance with 37 CFR 1.33(b).

the prior-filed application and for treatment of the petition under 37 CFR 1.48 filed March 19, 2007.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/725,262	03/19/2007	1645	1000	3745.274 US	18	2

CONFIRMATION NO. 5626

CORRECTED FILING RECEIPT

23650
NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

OC000000031787076

Date Mailed: 08/28/2008

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)

Suad Efendic, Lindingo, SWEDEN;
Mark Gutniak, Hosselby, SWEDEN;
Ole Kirk, Virum, DENMARK;

Power of Attorney:
Steve Zelson--30335
Elias Lambiris--33728
Cheryl Agris--34086

Domestic Priority data as claimed by applicant

This application is a CON of 11/478,107 06/29/2006 ABN
which is a CON of 09/754,723 01/04/2001 ABN
which is a CON of 08/842,121 04/23/1997 ABN
which is a CON of 08/295,913 10/13/1994 PAT 5,631,224
which is a 371 of PCT/DK93/00099 03/18/1993

Foreign Applications
DENMARK 0363/92 03/19/1992

If Required, Foreign Filing License Granted: 08/27/2008
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/725,262**
Projected Publication Date: Not Applicable
Non-Publication Request: No
Early Publication Request: No

Title

Use of a peptide

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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).