DO NOT ENTER /AK/

Amendments to the Claims – "Marked Up Version"

1. (Currently Amended) A method for playing a player funded craps game on a craps table comprising:

providing a craps table with a marker for designating a player as occupying a house position;
providing a pass line betting area on a craps table;
providing a don't pass betting area on a craps table;
providing a come betting area on a craps table;
providing a don't come betting area on a craps table;
providing a come betting area with odds on a craps table;
providing a don't come betting area with odds on a craps table;
providing a pass line betting area with odds on a craps table;
providing a don't pass betting area with odds on a craps table;
~~means for rolling;~~ and

Providing a written list of betting priorities in the event that not all players wagers are covered, in a craps game, based on a total of two cards drawn in a craps game for comparing a pass line betting area against a current house position after a come out roll and before a don't pass betting area.

2. (Cancelled)

3. (Cancelled)

4. (Cancelled)

5. (Cancelled)

6. (Cancelled)

7. (Cancelled)

8. (Cancelled)

9. (Cancelled)

10. (Cancelled)

11. (Currently Amended) The method of playing a craps game in accordance with claim 1 further comprising:

Said list further comprising a list of betting priorities in the event that not all players wagers are covered on a craps table based on a total of two cards drawn in a craps game after establishing a point before a seven is made; ~~and~~ for comparing the come betting area against the current house position before the don't come betting area.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Roy Alan Hastings	: DECISION ON REQUEST FOR
Patent Number	: 7592859	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/725,278	: 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 **25** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 05/07/2010

Applicant	: Manfred Ramin	: DECISION ON REQUEST FOR
Patent Number	: 7629212	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/725,291	: 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 **358** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/725,293	03/19/2007	Hiroshi Terada	SUTOSH.128AUS	5442

7590 03/09/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
TUNG, KEE M

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
03/09/2009	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

Repin. Ref: 03/06/2009 BPOWELL 0017231900
DA#:111410 Name/Number:11725293
FC: 9204 $500.00 CR

Adjustment date: 03/06/2009 BPOWELL
03/21/2007 SSITHIB1 00000016 11725293
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 03/06/2009 BPOWELL 0017231900
DA#:111410 Name/Number:11725293
FC: 9204 $500.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/725,296	03/19/2007	Kenneth W. Marr	2269-3543.2US (97-0952.02

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 13, 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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LEFEVOUR LAW GROUP, LLC
4365 LAWN AVENUE, SUITE 5
WESTERN SPRINGS, IL 60558

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APR 09 2008

OFFICE OF PETITIONS

In re Application of	:	
GOLDBERG, et al.	:	
Application No. 11/725,304	:	DECISION ON PETITION
Filed: March 19, 2007	:	TO WITHDRAW
Attorney Docket No. **NOR-1336US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 17, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **LEFEVOUR LAW GROUP LLC** has been revoked by the assignee of the patent application on January 3, 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **WOOD HERRON & EVANS, LLP (NORDSON)**
441 VINE STREET/2700 CAREW TOWER
CINCINNATI, OH 45202

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BARTONY & HARE, LLP
1806 FRICK BUILDING
437 GRANT STREET
PITTSBURGH, PA 15219-6101

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OFFICE OF PETITIONS

In re Application of
Eric J. Beckman, et al
Application No. 11/725,329
Filed: March 19, 2007
Attorney Docket No. 01-018 CON

DECISION GRANTING PETITION

This is a decision on the petition filed April 10, 2007, requesting that the above-identified application be accorded a filing date of March 19, 2007, instead of the presently accorded date of March 20, 2007.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on March 19, 2007. In support, petitioners provide a copy of the Express Mail label, No. EV 928143905 US, the same Express Mail receipt number referred to in the transmittal letter found in the file. Petitioners note that, while the "date in" on the copy of the Express Mail label includes a hand written date of "3-20-07", it also includes a USPS receipt stamp dated March 19, 2007. A copy of the USPS Track/Confirm record for Express Mail Label No. EV 928143905 US was also provided which corroborates acceptance of the "Express Mail" package in question on March 19, 2007 at 3.48pm.

In view of the above, the evidence is convincing that the Express Mail package was entrusted to the USPS on March 19, 2007 and that this application is entitled to a filing date of March 19, 2007.

The petition is **GRANTED**. No petition fee was charged to counsel's deposit account, nor is one due.

The application is being referred to the Office of Initial Patent Examination (OIPE) to correct the filing date to **March 19, 2007** and issue a corrected filing receipt.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Apr-08

EDWARD BULLISTER
20 ROLLING LANE
WESTON MA 02493

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OFFICE OF PETITIONS

In re Application of	:	
Edward Bullister	:	
Application Number: 11/725347	:	
Deposited: March 19, 2007	:	DECISION ON PETITION
For: MULTIFUNTIONAL PORTABLE	:	
COMPUTING DEVICE WITH SPECIAL	:	
HOUSING	:	

This is a decision on the "PETITION UNDER 1.57(a)," filed on July 31, 2007, requesting that the above-identified application be accorded a filing date of March 19, 2007. This is also a decision on the petition under 37 CFR 1.137(b) filed on July 31, 2007.

BACKGROUND

On March 19, 2007, the application was deposited. The application papers consisted of, *inter alia*, a written description, drawings, and an Application Data Sheet (ADS).

Accordingly, on May 2, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification did not include at least one claim, as required by 35 U.S.C. 112.

On July 31, 2007, the present petition was filed, accompanied by an amendment containing five (5) pages of claims. Petitioner admits that the claims was inadvertently omitted from the application papers deposited on March 19, 2007, but requests a filing date of March 19, 2007, because the claims were included in prior-filed Application No. 09/122,667.

Relying on §1.57(a), applicant asserts that the claims are effectively incorporated by reference.

OPINION

35 U.S.C. 111(a)(4) provides that:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

§ 1.57 Incorporation by reference.

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> …
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).
>
> (b) Except as provided in paragraph (a) of this section, an **incorporation by reference must be set forth in the specification and must:**
>
> **(1) Express a clear intent to incorporate by reference by using the root words "incorporat(e)" and "reference" (e.g., "incorporate by reference"); and** …
>
> (emphasis added)

The petition must be dismissed because it is undisputed that the claims were not present in the application on filing. Furthermore, petitioners have not set forth any proper basis, pursuant to 37 CFR 1.57(a) or (b), upon which the claims can be considered to have been present on March 19, 2007.

In this regard, the specification as filed does not satisfy the requirements of 37 CFR 1.57(a) because a proper claim of benefit to the prior-filed nonprovisional application under 37 CFR 1.78(a)(2)(i) was not present on filing. Instead, of a proper claim of benefit, the first line of the specification simply states that the subject application "claims priority from" the prior-filed nonprovisional application. It is also noted that Application No. 09/122,667 is not referenced in the ADS.

Moreover, petitioner has not presented a proper incorporation by reference in accordance with 37 CFR 1.57(b) in that the root words "incorporate(e)" and "reference" are not included. As stated by 37 CFR 1.57(g)(1), a correction to comply with paragraph (b)(1) of this section is permitted only if the application as filed clearly conveys an intent to incorporate the material by reference. A mere reference to material does not convey an intent to incorporate the material by reference.

As no proper claim of benefit or incorporation by reference was provided in the application papers present on filing, petitioner does not meet the requirements of 37 CFR 1.57(a) or (b).

CONCLUSION

In view thereof, the application is entitled to a filing date as of the date of receipt of the claims. As the claims were received with the petition on July 31, 2007, the application is entitled to that date as the filing date.

Accordingly, the petition is **DISMISSED** to the extent that it requests a filing date of March 19, 2007 using the claims filed with the present petition. The petition fee of $400.00 will not be refunded.

Petition Under 37 CFR 1.137(b)

The petition is **DISMISSED AS MOOT** because the application was never abandoned. As the application was not entitled to a filing date as of the date of deposit because it was incomplete, it could not become abandoned. As such, the petition under 37 CFR 1.137(b) is unnecessary and will be dismissed as moot.

As the petition under 37 CFR 1.137(b) is unnecessary, the petition fee of $750.00 will be refunded to petitioner.

The Office of Patent Application Processing (OPAP) has been advised of this decision. The application is, thereby, referred to OPAP for the assignment of a filing date of **July 31, 2007,** using the application papers present on filing and the five (5) pages of claims received on July 31, 2007.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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EDWARD BULLISTER
20 ROLLING LANE
WESTON MA 02493

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AUG 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Edward Bullister	:	
Application Number: 11/725347	:	
Filed: July 31, 2007	:	DECISION ON PETITION
For: MULTIFUNTIONAL PORTABLE	:	
COMPUTING DEVICE WITH SPECIAL	:	
HOUSING	:	

This is a decision on the "RENEWED PETITION UNDER 1.57(a)," filed on April 30, 2008, requesting that the above-identified application be accorded a filing date of March 19, 2007.

BACKGROUND

On March 19, 2007, the application was deposited. The application papers consisted of, *inter alia*, a written description, drawings, and an Application Data Sheet (ADS) including a claim of benefit to prior-filed Application No. 10/784,457.

Accordingly, on May 2, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification did not include at least one claim, as required by 35 U.S.C. 112.

The petition under 37 CRR 1.57(a) filed on July 31, 2007, was dismissed on April 24, 2008.

On April 30, 2008, the present renewed petition was filed. Petitioner concedes that the claims were inadvertently omitted from the application papers deposited on March 19, 2007, but requests a filing date of March 19, 2007, because the application claims the benefit of prior-filed Application No. 10/784,457. Petitioner has also filed an amendment which is asserted to contain the claims contained in the prior-filed application.

Relying on §1.57(a), applicant asserts that the claims are effectively incorporated by reference.

OPINION

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by

way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).

The petition lacks an amendment including the inadvertently omitted portion of the specification as required by 37 CFR 1.57(a)(1). In particular, a review of the documents submitted with the petition reveals that the copy of the claims filed with the petition are not a copy of the claims originally filed in the prior-filed application.

A renewed petition, accompanied by the required amendment, including a copy of the claims as present on filing in the prior-filed application, must be supplied with any renewed petition.

The petition fee has been received, and no additional fee is due.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 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
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Anthony Knight
Supervisor
Office of Petitions

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EDWARD BULLISTER
20 ROLLING LANE
WESTON MA 02493

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of :
Edward Bullister :
Application Number: 11/725347 :
Filed: July 31, 2007 :
For: MULTIFUNTIONAL PORTABLE :
COMPUTING DEVICE WITH SPECIAL :
HOUSING :

DECISION ON PETITION

This is a decision on the "SECOND RENEWED PETITION UNDER 1.57(a)," filed on September 2, 2008, requesting that the above-identified application be accorded a filing date of March 19, 2007.

BACKGROUND

On March 19, 2007, the application was deposited. The application papers consisted of, *inter alia*, a written description, drawings, and an Application Data Sheet (ADS) including a claim of benefit to prior-filed Application No. 10/784,457.

Accordingly, on May 2, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification did not include at least one claim, as required by 35 U.S.C. 112.

The petition under 37 CRR 1.57(a) filed on July 31, 2007, was dismissed on April 24, 2008. The renewed petition filed on April 30, 2008 was dismissed on August 4, 2008.

On September 2, 2008, the present second renewed petition was filed. Petitioner again concedes that the claims were inadvertently omitted from the application papers deposited on March 19, 2007, but requests a filing date of March 19, 2007, because the application claims the benefit of prior-filed Application No. 10/784,457. A copy of the claims present on

filing in the prior-filed application has also been provided with the petition.

Relying on §1.57(a), applicant asserts that the claims are effectively incorporated by reference.

OPINION

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...

> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).

The petition lacks a proper amendment including the inadvertently omitted portion of the specification as required by 37 CFR 1.57(a)(1). Specifically, the present renewed petition does not include an amendment to the specification contained on a separate paper (*See* 37 CFR 1.121(h), nor is the amendment in compliance with 37 CFR 1.121(b).

Accordingly, before the petition under 37 CFR § 1.57(a) can be granted, a renewed petition under 37 CFR § 1.57(a) and a preliminary amendment adding the drawings as originally filed in the parent application is required.

A renewed petition, accompanied by the required amendment, including a copy of the claims as present on filing in the prior-filed application, must be supplied with any renewed petition.

The petition fee has been received, and no additional fee is due.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. This time period may <u>not</u> 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
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Edward Bullister :
Application Number: 11/725347 :
Filed: March 19, 2007 :
For: MULTIFUNTIONAL PORTABLE :
COMPUTING DEVICE WITH SPECIAL :
HOUSING :

DECISION ON PETITION

This is a decision on the "THIRD RENEWED PETITION UNDER 1.57(a)," filed on December 11, 2008, requesting that the above-identified application be accorded a filing date of March 19, 2007.

BACKGROUND

On March 19, 2007, the application was deposited. The application papers consisted of, *inter alia*, a written description, drawings, and an Application Data Sheet (ADS) including a claim of benefit to prior-filed Application No. 10/784,457.

Accordingly, on May 2, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification did not include at least one claim, as required by 35 U.S.C. 112.

The petition under 37 CFR 1.57(a) filed on July 31, 2007, was dismissed on April 24, 2008. The renewed petition filed on April 30, 2008 was dismissed on August 4, 2008. The renewed petition filed on September 2, 2008, was dismissed on October 14, 2008.

On December 11, 2008, the present renewed petition was filed. Petitioner again concedes that the claims were inadvertently omitted from the application papers deposited on March 19, 2007, but requests a filing date of March 19, 2007, because the application claims the benefit of prior-filed Application No. 10/784,457. An amendment including a copy of the claims present

on filing in the prior-filed application has also been provided with the petition.

Relying on §1.57(a), applicant asserts that the claims are effectively incorporated by reference.

OPINION

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...

> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).

A review of the application as filed reveals that it included, in the Application Data Sheet (ADS) present on filing, a claim to the benefit of prior-filed Application No. 10/784,457. The petition fee was paid with the initial petition. The present renewed petition includes an amendment submitting the omitted claims.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment will be entered in due course.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of **March 19, 2007**, using the application papers received in the Office on that date and the 10 pages containing 19 claims submitted with the present renewed petition.

The application is referred to the Office of Patent Application Processing for further processing with a filing date of **March 19, 2007**. Applicant will receive appropriate notification regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Anthony Knight
Supervisor
Office of Petitions

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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PIONEER PATENT, LLC
P. O. BOX 128
NORTHBROOK IL 60065-0128

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JUN 0 4 2008

OFFICE OF PETITIONS

In re Application of
Alexander GOBLIN, et al.
Application No. 11/725,369
Filed: March 19, 2007
Attorney Docket No. LEO-sleep 20411

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed May 10, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A sufficient extension of time under the provisions of 37 CFR 1.136(a) was not timely obtained. Four months of extension of time were paid for with the response filed December 10, 2007. However, for that response to have been timely, FIVE (5) months of extension of time were needed. Accordingly, the application became abandoned on July 11, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of formal drawings filed December 10, 2007, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1115 extension of time fee submitted with the petition on March 17, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary. In view of the above, the petitioner may request a refund of the overpayment including the $1115 fee (submitted with the petition on March 17, 2008) and the $ 820 fee (submitted on December 10, 2007) by writing to the following address along with a copy of this decision:

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 05/17/2010

Applicant	: James A. Voege	: DECISION ON REQUEST FOR
Patent Number	: 7617826	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/725,392	: 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 **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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/725,418	03/19/2007	Hiroyuki Tsuji	SUTOSH.126AUS	5610

7590 03/09/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
03/09/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Repln. Ref: 03/06/2009 BPOWELL 0017250400
DA#:111410 Name/Number:11725418
FC: 9204 $500.00 CR

Adjustment date: 03/06/2009 BPOWELL
03/21/2007 EHYALEW1 00000019 11725418
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/725,443	03/20/2007	Yutaka Kawamori	131777	6679

7590 04/27/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KING, BRADLEY T

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
04/27/2010	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

Adjustment date: 04/26/2010 KFARMER
03/21/2007 THOUYEN2 00000059 11725443
02 FC:1111 -500.00 CP

FORM PET651G (Rev. 08/07)

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FORD GLOBAL TECHNOLOGIES
c/o MOFO NOVA
1650 Tysons Blvd.
Suite 300
Mclean, VA 22102

MAILED

MAR 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas Hermann	:	
Application No. 11/725,495	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. 81150761	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2008.

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

A review of the file record indicates that the power of attorney to Ford Global Technologies c/o MOFO NOVA has been revoked by the assignee of the patent application on December 11, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2291.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **O"BRIEN JONES, PLLC (w/ Ford Motor Co.)**
8200 Greensboro Drive
Suite 1020A
McLean, VA 22102

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

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FEB 1 1 2009

OFFICE OF PETITIONS

In re Application of	:
Willem J. Quadakkers, et al.	:
Application No. 11/725,516	: DECISION ON PETITION
Filed: March 19, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2005P07570US	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 2, 2008, 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.

A review of the record shows that the amendment to the specification filed July 2, 2008 referenced application 10/520,238 is listed as published United States Application Publication US 2004/0180233 and now United States Patent No. 7,368,177. The referenced application lists the wrong publication information. Applicant should note that the correct publication number of this application is 2005/0238907. It is recommended that applicant correct this information with a supplemental amendment to the Technology Center.

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 1794 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/725,516	03/19/2007	1794	1130	2005P07570US	20	2

CONFIRMATION NO. 6656

CORRECTED FILING RECEIPT

22116
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

OC000000034172231

Date Mailed: 01/22/2009

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)

Willem J. Quadakkers, Wiinandsrade, NETHERLANDS;
Werner Stamm, Mulheim an der Ruhr, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 22116

Domestic Priority data as claimed by applicant

This application is a CIP of 10/520,238 12/30/2004 PAT 7,368,177

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 06006109.0 03/24/2006

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 01/22/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/725,516**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Component with a protective layer

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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Morrison & Foerster, LLP
1650 Tysons Boulevard
Suite 400
McLean, VA 22102

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Frank C. Mielke	:	
Application No. 11/725,556	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. 543822023900	:	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 8, 2008.

The request is **moot because a revocation of power of attorney has been previously filed**.

A review of the file record indicates that the power of attorney to Deborah S. Gladstein and all attorneys/agents associated with customer number 25227 has been revoked by the assignee of the patent application on September 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 Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dicke, Billig & Czaja
Fifth Street Towers
100 South Fifth Street, Suite 2250
Minneapolis, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 05/04/2010

Applicant	: Gregory Hovis	: DECISION ON REQUEST FOR
Patent Number	: 7621459	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/725,564	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **170** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/725,613	03/20/2007	Thomas D. Initini	1901-22A	6672

EXAMINER

7590 01/10/2008

Eric Fincham
316 Knowlton Road
Lac Brome, QC J0E 1V0
CANADA

ART UNIT	PAPER NUMBER
3728	

MAIL DATE	DELIVERY MODE
01/10/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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PALO ALTO CA 94306

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APR 12 2010

OFFICE OF PETITIONS

In re Application of
Joseph I. Lichy
Application No. 11/725,665
Filed: March 20, 2007
Attorney Docket No. **NuEdison 1010**

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 December 23, 2009.

The request is **APPROVED**.

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

The request was signed by Michael Hetherington on behalf of all attorneys of record who are associated with Customer Number 36743.

All attorneys/agents associated with Customer Number 36743 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 Joseph I. Lichy at the address list listed in the request.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Joseph I. Lichy
1716 Mulberry Lane
San Jose, CA 95125

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LEFEVOUR LAW GROUP, LLC
4365 LAWN AVE
SUITE 5
WESTERN SPRINGS, IL 60558

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OFFICE OF PETITIONS

In re Application of

BRENNAN, Robert C. et al.
Application No. 11/725,678
Filed: March 20, 2007
Attorney Docket No. **070-014US**

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 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 Martin LeFevour on behalf of all attorneys of record who are associated with customer No. 50717. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at time.

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

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT C. BRENNAN**
8 APPLEGATE DRIVE
ROBBINSVILLE, NEW JERSEY 08691

cc: **BEV COOPER, NORDSON CORPORATION**
MAIL STATION 118
28601 CLEMENS ROAD
WESTLAKE, OH 44145

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/725,706	03/19/2007	Rebecca L. Smith	AD7497 USNA	6341

7590 03/13/2009
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER
NELSON, MICHAEL B

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
03/13/2009	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

Adjustment date: 03/13/2009 NFARMER
03/22/2007 ATRINH 00000022 041928 11725706
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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David E. Wigley, Ph.D
SUTHERLAND ASBIL & BRENNAN LLP
999 Peachtree Street, N.E.
Atlanta, GA 30309-3996

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Andreas Schussler, et al.	:	
Application No. 11/725,709	:	DECISION ON PETITION
Filed: March 19, 2007	:	TO WITHDRAW
Attorney Docket No. 28007-0083	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 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 David E. Wigley on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **CeloNova BioSciences, Inc.**
49 Spring Street
Newnan, GA 30263-2768

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/725,709	03/19/2007	Andreas Schussler	28007-0083

CONFIRMATION NO. 6338

POWER OF ATTORNEY NOTICE

David E. Wigley, Ph.D.
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, N.E.
Atlanta, GA 30309-3996

OC000000036563582

Date Mailed: 06/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/13/2009.

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

/tswilliams/

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

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OFFICE OF PATENT COUNSEL
SPAWARSYCEN, CODE 360012
53510 SILVERGATE AVE. ROOM 103
SAN DIEGO CA 92152-5765

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MAY 22 2008

OFFICE OF PETITIONS

In re Application of:	:	
Lapota et al.	:	
Application No. 11/725,713	:	DECISION ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. 97756	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 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 in the Non-provisional Application (identified above), mailed May 10, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 11, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of acceptable formal drawings, (2) the petition fee of $ 1540, and (3) a proper statement of unintentional delay.

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

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

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PATENT COUNSEL
SPAWARSYCEN, CODE 20012
53510 SILVERGATE AVE. ROOM 103
SAN DIEGO CA 92152-5765

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
DONAHOE, et al.	:	
Application No. 11/725,714	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **84690**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 25, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes declaration of inventor David L. Keir, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2827 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Ridout & Maybee LLP
225 King Street West
10th Floor
Toronto, ON M5V 3M2
CANADA

Mail Date: 04/20/2010

Applicant	: Yihong Qi	: DECISION ON REQUEST FOR
Patent Number	: 7586457	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/725,733	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **194** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/725,740	03/19/2007	Garry A. Mercaldi	M122-3379

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

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DARDI & HERBERT, PLLC
220 S. 6TH ST.
SUITE 2000, U.S. BANK PLAZA
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Chandrashekhar P. Pathak	: DECISION ON REQUEST FOR
Patent Number	: 7605232	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/725,751	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **98** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

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OFFICE OF PETITIONS

In re Patent No. 7,442,532	:
Issued: October 28, 2008	: DECISION UNDER 37 CFR
Application No. 11/725,755	: 1.705(d)
Filed: March 20, 2007	:
Atty. Dkt. No. D0186 DIV 1	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PERIOD IN GRANTED PATENT UNDER 37 C.F.R. §§ 1.181 & 1.705(d)," filed October 30, 2008. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(d).

The application for Patent Term Adjustment (PTA) under 37 CFR 1.705(d) is hereby **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,442,532 on October 28, 2008. The patent issued with a PTA of 25 days. The application for patent term adjustment was timely filed in accordance with 37 CFR 1.705(d). Patentees argue that the patent is entitled to an adjustment of 26 days.

The adjustment of 110 days accorded pursuant to 37 CFR 1.702(a)(4) is not in dispute.

Patentees dispute the post allowance reduction of 85 days accorded in connection with the submission dated March 5, 2008. Patentees argue that the reduction in this regard should be 84 days.

A review of the record reveals that that submission of March 5, 2008 was a petition under 37 CFR 1.48. The Office holds a petition filed after allowance to be a failure to engage in reasonable efforts to conclude prosecution or examination of an application pursuant to 37 CFR 1.704(c)(10). Thus, in accordance with 37 CFR 1.704(c)(10), the adjustment of 110 days was properly reduced 85 days in connection with the submission of the petition under 37 CFR 1.48. The reduction commenced March 5,

2008, the date that the post allowance submission of was filed, and ended March 28, 2008, the date that a response thereto was mailed.

In view thereof, at the time of issuance, the patent was properly accorded an adjustment of 25 days (110 days of Office delay less 85 days of applicant delay).

The Office hereby acknowledges receipt of the required $200.00 application fee.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date of the instant decision indicated above. Extensions under 37 CFR 1.136 are not permitted.

Telephone inquiries specific to this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Paper No.

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ASIJA HOUSE
7 WOONSOCKET AVENUE
SHELTON CT 06484-5536

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OFFICE OF PETITIONS

In re Application of	:	
Eric William Cottell	:	DECISION ON PETITION
Application No. 11/725,757	:	
Filed: March 20, 2007	:	
Atty Docket No. EC070130FWE	:	

This is in response to the paper styled "SUB: Petition for Date of Deposit" filed May 17, 2007, which is properly considered as a petition under §1.53(e)(2) requesting that figures 6A and 6B and 7A and 7B be considered deposited on March 20, 2007 with the original application disclosure.

Application papers in the above-identified application were deposited on March 20, 2007. However, on May 10, 2007, the Office of Initial Patent Examination mailed applicant a "Notice of Omitted Item(s) in a Nonprovisional Application." Applicant was notified that the application papers had been accorded a filing date; however, Figure(s) 6-7 described in the specification appeared to have been omitted.

In reply, applicant timely filed the instant petition, asserting that the missing drawing figures 6 & 7 were mailed, received and acknowledged by the USPTO as evidenced by the enclosed copy of the "ACKNOWLEDGMENT" card which clearly acknowledges the receipt of 9 sheets of drawings. Specifically, Figures 6-7 were on sheets 6-9. Applicant further petitions that the petition fee be refunded as the missing figures were misplaced or lost in the USPTO after the acknowledgment by the mailroom officials. In support thereof, applicant submits a copy of their "ACKNOWLEDGMENT" card.

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. It is noted that petitioner's postcard properly itemizes 9 sheets of drawings and includes no indication of non-receipt of any drawing sheet.

Nonetheless, in this instance, consideration of petitioner's postcard is unnecessary. It is obvious from a review of the petition and the application image file wrapper that no drawing was actually missing on March 20, 2007. Rather, there was an error in the specification as it referred to figures 6 and 7, when the application actually contains 9 sheets of drawings including figures 6A and 6B and 7A and 7B.

With regard to such an error, MPEP 601.01(g) states that,

> Applications are often filed with drawings with several views of the invention where the views are labeled using a number-letter combination, e.g., Fig. 1A, Fig. 1B, and Fig. 1C. OIPE will not mail a "Notice of Omitted Item(s)" if a figure which is referred to in the specification by a particular number cannot be located among the drawings, if the drawings include at least one figure labeled with that particular number in combination with a letter. For example, if the drawings show Figures 1A, 1B, and 1C and the brief description of the drawings refers only to Figure 1, this is an error in the specification which must be corrected, rather than an application filed without all figures of drawings.

However, as stated in the Notice, applicant is required to file an appropriate amendment prior to the first Office action on the merits.

The petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to the Deposit Account, as requested.

Petitioner's attention is directed to the OG Notice entitled *Change in Procedure for Handling Nonprovisional Applications Having Omitted Items*, 1315 OG 103 (February 20, 2007). This Notice sets forth revised procedures for responding to the Notice of Omitted Items. Petitioner should take note that under the revised procedure, applicants must reply to a notice

regarding omitted items in a nonprovisional application, including filing an appropriate amendment, within the time period set by the Notice in order to avoid abandonment.

This application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of March 20, 2007, using the application papers received in the Office on that date, including 9 sheets of drawings.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER, NJ 07921

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MAR 0 4 2009

OFFICE OF PETITIONS

In re Application of
Eric **INSELBERG**
Application No. 11/725,759
Filed: March 20, 2007
Attorney Docket No. **0128-1 CON CIP 3 CIP**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed August 11, 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, January 22, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 23, 2008.

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

The 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; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee of $65 as required by the double patenting rejection of January 22, 2008.

The terminal disclaimer filed August 11, 2008 has been entered and made of record.

The application is being referred to Technology Center Art Unit 2617 for consideration of the amendment filed August 11, 2008.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/725,783	03/19/2007	Richard Allen Hayes	AD7392 US NA	6857

7590 03/16/2009
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER
NELSON, MICHAEL B

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
03/16/2009	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: 03/12/2009 BPOWELL
03/22/2007 MGEBREM1 00000033 041928 11725783
02 FC:1111 500.00 CR
04 FC:1202 200.00 CR

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

In re Application of Alman :
Application No. 11/725,810 : Decision on Petition
Filing Date: March 20, 2007 :
Attorney Docket No. FA1182USCNT :

This is a decision on the petition filed May 29, 2007, to accord the above-identified application a filing date of March 20, 2007.

The petition is **granted to the extent indicated below**.

Application papers were filed on March 20, 2007.

The application was correctly treated as a continuation filed under 37 CFR 1.53(b). Petitioner should note the provisions of 37 CFR 1.53(d) does not apply because the instant application is not a design application.

The specification filed on March 20, 2007, described drawings containing Figures 1, 2, and 3, but no drawings were filed on March 20, 2007.

On April 18, 2007, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

This application is a continuation of application no. 10/911,020. Petitioner has submitted a copy of the drawings from the parent application and requests a filing date of March 20, 2007.

<u>The application will be accorded a filing date of March 20, 2007:</u>

MPEP 601.01(f) states 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).

This application contains disclosure directed to a process or method. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g). In other words, the Office should have mailed a "Notice of Omitted Item(s)" indicating drawings were missing but a filing date had been accorded, rather than a "Notice of Incomplete Application."[1]

Therefore, the "Notice" mailed April 18, 2007, was mailed in error and is hereby withdrawn.

The application papers submitted March 20, 2007, will be accorded a filing date of March 20, 2007.

The drawings filed May 29, 2007:

The drawings will not be entered at this time.

If petitioner wishes to amend the application to add the drawings, petitioner should file a formal amendment in compliance with 37 CFR 1.57(a).

The fee:

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

The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of March 20, 2007, using only the application papers filed March 20, 2007.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] During examination, if the examiner determines drawings are necessary under 35 USC 113, he may reconsider the filing date issue and have the Office of Initial Patent Examination (OIPE) mail a Notice of Incomplete Application. See MPEP 601.01(f).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 21 2009

OFFICE OF PETITIONS

BAKER & ASSOCIATES PLLC
470 EAST NINTH AVENUE
SALT LAKE CITY, UT 84103

In re Application of	:	
Noah Syroid, et al.	:	
Application No. 11/725,864	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. 3040.4	:	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 September 2, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response, period that the practitioner(s) intend to withdraw from employment; (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

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

Attachment: Blank copy of PTOL/SB/83 Form

cc: STEVE PERRY
THORPE NORTH & WESTERN
8180 SOUTH 700 EAST
SUITE 350
SANDY, UT 84070

Doc Code: PET.POA.WDRW
Document Description: Petition to withdraw attorney or agent (SB83)

PTO/SB/83 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the practitioners of record;

☐ the practitioners (with registration numbers) of record listed on the attached paper(s); or

☐ the practitioners of record associated with Customer Number: _____

NOTE: The immediately preceding box should only be marked when the practitioners were appointed using the listed Customer Number.

The reason(s) for this request are those described in 37 CFR :

☐ 10.40(b)(1)	☐ 10.40(b)(2)	☐ 10.40(b)(3)	☐ 10.40(b)(4)
☐ 10.40(c)(1)(i)	☐ 10.40(c)(1)(ii)	☐ 10.40(c)(1)(iii)	☐ 10.40(c)(1)(iv)
☐ 10.40(c)(1)(v)	☐ 10.40(c)(1)(vi)	☐ 10.40(c)(2)	☐ 10.40(c)(3)
☐ 10.40(c)(4)	☐ 10.40(c)(5)	☐ 10.40(c)(6) Please explain below:	

Certifications

Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.

1. ☐ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment.

2. ☐ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled.

3. ☐ I/We have notified the client of any responses that may be due and the time frame within which the client must respond.

Please provide an explanation, if necessary:

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Complete the following section only when the correspondence address will change. *Changes of address will only be accepted to an inventor or an assignee that has properly made itself of record pursuant to 37 CFR 3.71.*

Change the correspondence address and direct all future correspondence to:

A. ☐ The address of the inventor or assignee associated with Customer Number: _____

OR

B. ☐ Inventor or Assignee name	

Address			
City	State	Zip	Country
Telephone		Email	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature			
Name		Registration No.	
Address			
City	State	Zip	Country
Date		Telephone No.	

NOTE: ***Withdrawal is effective when approved rather than when received.***

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

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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
11/725,880	03/20/2007	Joseph R. Little	2269-4298.1US (99-0996.01

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 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

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

GENERAL ELECTRIC COMPANY (PCPI)
C/O FLETCHER YODER
P.O. BOX 692289
HOUSTON TX 77269-2289

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Jed Douglas Pack et al	:	
Application No. 11/725,892	:	DECISION ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. 150810-3/YOD	:	
(GERD:0736)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed June 11, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kathleen R. Terry
13840 Johnson Street NE
Ham Lake MN 55304

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AUG 2 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Johnson et al.et al.	:	
Application No. 11/725893	:	
Filing or 371(c) Date: 03/20/2007	:	
Attorney Docket Number:	:	
BP.035US1	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed June 9, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed April 18, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned June 19, 2007. A Notice of Abandonment was mailed December 21, 2007.

Applicant files the present petition and a response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OFFICE OF PETITIONS

DOUGLAS T. JOHNSON
MILLER & MARTIN
1000 VOLUNTEER BUILDING
832 GEORGIA AVENUE
CHATTANOOGA, TN 37402-2289

In re Application of	:	
Glancy et al.	:	
Application No. 11/725,913	:	DECISION GRANTING PETITION
Deposited: March 21, 2007	:	
Attorney Docket No. 46000-0291	:	

This is a decision on the petition under 37 CFR 1.10(c), filed April 10, 2007 requesting that the above-identified application be accorded a filing date of March 30, 2007.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 20, 2007 pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of the USPS Express Mail Track and Confirm for Express Mail No. EQ230645521US. The USPS Express Mail Track and Confirm records shows the package was enroute on March 20, 2007.[1] The same Express Mail number was placed on the original patent application transmittal letter of record in the official file.

A review of the USPS Express Mail Track and Confirm records, resulted in a finding that the package in question was in fact accepted on March 20, 2007 at the USPS. In light of the evidence the requirement that the express mail label be provided is waived *sua sponte*. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on March 20, 2007. Accordingly, the instant application is entitled to a filing date of March 20, 2007.

The petition is **granted**.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **March 20, 2007** and issuance of a Filing Receipt.

[1] It is noted since the package was enroute on March 20, 2007 it was also accepted by the USPS on March 20, 2007.

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

Charlema R. Grant
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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MILLER & MARTIN
1000 VOLUNTEER BUILDING
832 GEORGIA AVENUE
CHATTANOOGA, TN 37402-2289

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SEP 2 5 2008

OFFICE OF PETITIONS

In re Application of :
David J. GLANCY et al. :
Application No. 11/725,913 : DECISION ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. **46000-0291** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 06, 2008, with a certificate of mailing dated April 30, 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 Nonprovisional Application (Notice), mailed September 19, 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 November 20, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) in that the reply does not include oath or declaration required by the notice.

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

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

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

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

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

Ramesh Krishnamurthy

Ramesh Krishnamurthy
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

DOUGLAS T. JOHNSON
MILLER & MARTIN
1000 VOLUNTEER BUILDING
832 GEORGIA AVENUE
CHATTANOOGA TN 37402-2289

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
David J. GLANCY et al.	:	
Application No. 11/725,913	:	DECISION ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. **46000-0291**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 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 Nonprovisional Application (Notice), mailed September 19, 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 November 20, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) in that the declaration filed November 25, 2008 lists Joseph D. Krawczyk as an inventor but his signature is missing. Therefore the declaration is unacceptable.

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

By Mail: Mail Stop PETITION

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

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11725913 Total Records Found: 5

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/07/2008	00000001	1	1453	$1,540.00	05/06/2008	CK
05/07/2008	00000002	1	1051	$130.00	05/06/2008	CK
03/22/2007	00000163	1	1011	$300.00	03/21/2007	CK
03/22/2007	00000164	1	1111	$500.00	03/21/2007	CK
03/22/2007	00000165	1	1311	$200.00	03/21/2007	CK

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CHATTANOOGA TN 37402-2289

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AUG 13 2009

OFFICE OF PETITIONS

In re Application of	:	
David J. GLANCY et al.	:	
Application No. 11/725,913	:	DECISION ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. **46000-0291**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 22, 2009, with a certificate of mailing dated May 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 19, 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 November 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 the required fees and Declaration, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to file Missing Parts of Nonprovisional Application of September 19, 2007 is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto CA 94303

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JUN 25 2010

OFFICE OF PETITIONS

In re Application of :
David Garrett et al. :
Application No. 11/725,920 : DECISION ON PETITION
Filed: March 20, 2007 :
Attorney Docket No. BCEM.P025 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 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 May 10, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 8, 2010. Accordingly, the date of abandonment of this application is May 11, 2010. A Notice of Abandonment was mailed on May 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $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.

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 application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Brian R. Short
2465 E. Bayshore Road
Suite 406
Palo Alto, CA 94303

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Paper No.

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

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of :
Lane et al. : DECISION ON PETITION
Application No. 11/725,957 :
Filed: March 20, 2007 :
Atty Docket No.8330-000277/CPA:

This is in response to the "RESPONSE AND PETITION TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - Filing Date Granted" filed June 12, 2007. Petitioners request that the Office accord the above-identified application a filing date of March 20, 2007, with Figure 12 considered part of the original application disclosure.

Application papers in the above-identified application were deposited on March 20, 2007. However, on April 12, 2007, the Office of Initial Patent Examination mailed applicants a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had been accorded a filing date; however, Figure 12 described in the specification appeared to have been omitted from the application. (In addition, the oath or declaration was missing).

In response, applicants filed the instant petition (and petition fee). Applicants submit that Figure 12 was included in the originally filed specification and is thus afforded the filing date of March 20, 2007. In support thereof, applicants submit *inter alia* a copy of the stamped postcard indicating receipt in the Office of twelve (12) sheets formal drawings. Applicants also supply a copy of sheet 12/12 of the drawings, containing Fig. 12.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard reveals that: 1) it was date stamped as received in the USPTO on March 20, 2007 and the papers filed therewith assigned application No. 11/725957, 2) it specifically identifies the items being filed, including "Two (2) Sets of Twelve (12) Sheets Formal Drawings" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 12 sheets of drawings, were filed on March 20, 2007.

The drawing sheets already considered received in the Office on March 20, 2007, were reviewed along with Figure 12 submitted on petition. These papers together constitute the items described on the receipt as "Two (2) Sets of Twelve (12) Sheets Formal Drawings.[1]" It is concluded that petitioner has shown that Figure 12 was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to petitioner's Deposit Account No. 08-0750.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of March 20, 2007 using the application papers received in the Office and presently accorded that date; and figure 12 re-supplied on petition filed June 12, 2007;

- for indication in Office records, as appropriate, that 12 sheets of Drawings (including Figure 12) were present in the application on filing; and

- for processing of the response to the Notice to File Missing Parts of Nonprovisional Application, a declaration filed July 3, 2007.

[1] This conclusion is made in consideration of the fact that the Office does not retain duplicates in the record.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

COPY MAILED

SEP 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Zi-Sheng Li	:	DECISION ON PETITION
Application No. 11/725,959	:	
Filed: March 19, 2007	:	
Title: TOUCH PANEL HAVING	:	
ONLY TWO VOLTAGE INPUT	:	
TERMINALS	:	

This is a decision on the PETITION filed June 14, 2007, which is properly treated as a petition under 37 CFR 1.53(e)(2). Petitioner requests that the Office accord the above-identified application a filing date of March 19, 2007, with page 4 of the specification considered part of the original application disclosure.

Application papers in the above-identified application were deposited on March 19, 2007. However, on April 11, 2007, the Office of Initial Patent Examination mailed applicant a NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION. Applicant was thereby notified that the application papers had been accorded a filing date; however, page 4 of the specification appeared to have been omitted from the application.

In response, applicant filed the instant petition (and petition fee). Applicant declares that page 4 was included in the original submission. In support thereof, applicant submitted a copy of their return receipt postcard. Applicant also supplied a copy of 18-page specification as petitioner maintains it was originally filed on March 19, 2007, including page 4.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's return postcard reveals that: 1) it was date stamped as received in the USPTO on March 19, 2007 and the papers filed therewith assigned application No. 11/725959, 2) it specifically identifies the items being filed, including " 18 sheets of specification, claims & abstract" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 18 pages of specification, were filed on March 19, 2007.

The application papers already considered received in the Office on March 19, 2007, were reviewed along with page 4 of the specification submitted on petition. These papers together constitute the items described on the postcard receipt as "18 sheets of specification, claims & abstract." It is concluded that petitioner has shown that page 4 was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, petitioner's request to refund the petition fee is granted. The refund will be processed by the Office of Finance.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of March 19, 2007 using the application papers received in the Office and presently accorded that date; and page 4 of the specification re-supplied on petition filed June 14, 2007; and

- for indication in Office records, as appropriate, that page 4 of the specification was present in the application on filing.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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PILLSBURY WINTHROP SHAW PITTMAN
LLP
P.O. BOX 10500
MCLEAN VA 22102

COPY MAILED

MAY 1 4 2008

OFFICE OF PETITIONS

In re Patent of	:	
Mabry et al.	:	
Application No. 11/725994	:	DECISION
Filing or 371(c) Date: 03/19/2007	:	ON PETITION
Attorney Docket Number:	:	
038559-0360438	:	

This is a decision on the "Petition to Establish Prior Receipt in the PTO of Item(s) Considered as Omitted by the PTO-Response to 'Notice of Omitted Items,'" filed May 15, 2007, requesting the application be accorded a filing date of March 19, 2007, including Figure 8 described in the specification. The delay in treating this petition is regretted.

The petition is **granted**.

Background

The application was filed on March 19, 2007. On May 10, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing; however, Figure 8 described in the specification appeared to have been omitted from the application.

The present petition

Applicant files the present petition and avers that Figure 8 was included among 10 sheets of drawings filed with the application on March 19, 2007. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 10 sheets of drawings by this Office on March 19, 2007.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of Figure 8, filed with the present petition, will be used for examination purposes.

The petition fee has been refunded to petitioner's deposit account as authorized in the instant petition.

The application will be returned to the Office of Patent Application Processing for further processing with a filing date of March 19, 2007, and an indication that Figure 8 described in the specification was included among 10 sheets of drawings filed on March 19, 2007, using Figure 8 filed with the present petition.

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

Derek L. Woods
Attorney
Office of Petitions

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Paper No.

MAILED

APR 13 2009

OFFICE OF PETITIONS

Kathleen R. Terry
13840 Johnson Street NE
Ham Lake MN 55304

In re Application of	:	
Clarence A. Johnson et al.	:	
Application No. 11/726,020	:	DECISION ON PETITION
Filed: March 20, 2007	:	PURSUANT TO
Attorney Docket No.: BP.033US1	:	37 C.F.R. § 1.137(B)
Title: COMPOSITIONS FOR	:	
IMPROVING AND REPAIRING SKIN	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 22, 2008, on revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 9, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 10, 2007. A notice of abandonment was mailed on December 14, 2007.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, a declaration that has been executed by the first-named inventor along with the fee that is associated with the late submission of an oath or declaration, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Petitioner has also submitted a four-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] Accordingly, since the $820 extension of time submitted with the petition on August 22, 2008 was filed subsequent to the maximum

1 See Rule 1.137(d).
2 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

extendable period for reply, this fee is unnecessary and will be refunded via the preparation of a Treasury Check in due course.

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Paper No.

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APR 13 2009

OFFICE OF PETITIONS

Kathleen R. Terry
13840 Johnson Street NE
Ham Lake MN 55304

In re Application of	:	
Clarence A. Johnson et al.	:	
Application No. 11/726,020	:	DECISION ON PETITION
Filed: March 20, 2007	:	PURSUANT TO
Attorney Docket No.: BP.033US1	:	37 C.F.R. § 1.137(B)
Title: COMPOSITIONS FOR	:	
IMPROVING AND REPAIRING SKIN	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 22, 2008, on revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 9, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 10, 2007. A notice of abandonment was mailed on December 14, 2007.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R.

§ 1.17(m);

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

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, a declaration that has been executed by the first-named inventor along with the fee that is associated with the late submission of an oath or declaration, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Petitioner has also submitted a four-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] Accordingly, since the $820 extension of time submitted with the petition on August 22, 2008 was filed subsequent to the maximum

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1 See Rule 1.137(d).
2 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

extendable period for reply, this fee is unnecessary and will be refunded via the preparation of a Treasury Check in due course.

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Brady Jones	: DECISION ON REQUEST FOR
Patent Number	: 7649730	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/726,029	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **243** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/726,064	03/20/2007	David Austin Packham		7908

7590 09/12/2008

DAVID A. PACKHAM
2973 HOLIDAY RANCH LOOP ROAD
PARK CITY, UT 84060

EXAMINER
TECCO, ANDREW M

ART UNIT	PAPER NUMBER
3764	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Valetis Buchanan
Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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Lauson & Tarver LLP
880 Apollo Street
SUITE 301
El Segundo, CA 90245

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of
Larry Hammond
Application No. 11/726,071
Filed: March 20, 2007
Attorney Docket No. 22649-002

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 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 Rejection mailed, December 11, 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 March 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed. A courtesy copy of this decision will be mailed to the address on the petition.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 3654 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: Edwin P. Traver
16830 Ventura Blvd., Ste. 360
Encino, CA 91436

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MAR 05 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Terry B. Strom et al	:	
Application No. 11/726,086	:	ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. 13985-039005	:	

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

The petition is **GRANTED**.

The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed April 24, 2009, which set a shortened statutory period for reply of three (3) months. Three month extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 25, 2009.

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

This matter is being forwarded to Technology Center AU 1646 for further processing.

Irvin Dingle
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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RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

MAILED

MAR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Moti Altarac	:	
Application No. 11/726,093	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. 65837-8007US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 11, 2010.

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

A review of the file record indicates that the power of attorney to Rimas Lukas has been revoked by the assignee of the patent application on January 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PERKINS COIE LLP**
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/726,097	03/21/2007	Shinji Kuno	SUTOSH.130AUS	7736

7590 04/21/2010
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
04/21/2010	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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Adjustment date: 04/22/2010 MFARMER
03/22/2007 [illegible]
02 FC:111 -300.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Clifford Benton Dando, Jr.
R15, White Swan
45 Mantua Grove Road
Paulsboro NJ 08066

MAY 16 2007

In re Application of: DANDO et al. Serial No.: 11/726,103 Filed: March 21, 2007 Title: EXHAUST GAS EXTRACTOR SYSTEM	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. Additionally, the application as filed was not in complete and in condition for examination as required by 37 CFR 1.51 and as evidenced by the mailing of the Notice to File Corrected Application Papers mailed on April 12, 2007.

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

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

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

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

J. Harrison
Special Program Examiner
Technology Center 3700

3-25-8

IAV

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

OIPE IAP22 MAR 24 2008 PATENT & TRADEMARK OFFICE

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

Application Information

Application Number	11/726,106	Confirmation Number	7556	Filing Date	2007-03-21
Attorney Docket Number (optional)	MOI 304	Art Unit	1764	Examiner	TBD
First Named Inventor	William C. Pfefferle				
Title of Invention	Catalytic Isobutane ~~Alkylation~~ ALKYLATION				

Attention: Office of Petitions

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

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

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

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

Given Name	Middle Name	Family Name	Suffix
William	C.	Pfefferle	Jr.

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature		Date (YYYY-MM-DD)	2008-03-24
Name	Robert L. Rispoli	Registration Number	43884

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

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

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DEC 05 2008

Applicant: Wajs
Appl. No.: 11/726,109
Filing Date: March 21, 2007
Title: METHOD OF PROVIDING AN ENCRIPTED DATA STREAM
Attorney Docket No.: 2069.063US1
Pub. No.: 2007/0258583 A1
Pub. Date: November 8, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 18, 2007, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Mark O. Polutta at (703) 272-7709.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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JAN 16 2009

OFFICE OF PETITIONS

In re Application of
Gladwin S. Das
Application No.: 11/726,115
Filed: March 20, 2007
Attorney Docket No. 1013-011

: ON PETITION
:
:

This is in response to the petition under 37 CFR 1.137(b) filed March 24, 2008.

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

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on May 4, 2007, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration to be filed and $65.00 surcharge for the late filing of the same. A complete response was not received within the allowable period, and the application became abandoned on July 5, 2007. A Notice of Abandonment was mailed on January 14, 2008.

The executed declaration under 37 CFR 1.63 filed March 24, 2008, is noted.

The request for an extension of time within the fourth month filed March 24, 2008, is noted, but cannot be granted as the request was made outside the maximum statutory period set for reply to the Notice to File Missing Parts of Nonporvisional Application. The amount of $820.00 will be refunded, in due course.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

CLISE, BILLION & CYR, P.A.
605 U.S. HIGHWAY 169
SUITE 300
PLYMOUTH MN 55441

In re Application of	:	
DAS, Gladwin S.	:	
Application No. 11/726,115	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. **1013-011**	:	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 22, 2009.

The request is **APPROVED**.

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

The request was signed by Kevin W. Cyr on behalf of all attorneys of record who are associated with customer No. 44163. 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 Gladwin S. Das at the address indicated below.

There is an outstanding Office action mailed May 12, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-431.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GLADWIN S. DAS**
1471 LAMETTI LANE
ARDEN HILLS, MN 55112

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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JOHN G. CHUPA
LAW OFFICES OF JOHN CHUPA AND ASSOCIATES, P.C.
SUITE 50
28535 ORCHARD LAKE RD
FARMINGTON HILLS, MI 48334

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JAN 14 2009

In re Application of Larry M. Grela, et al. Application No. 11/726,127 Filed: March 21, 2007 Attorney Docket No. 719-001	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed October 22, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED AS MOOT**.

Petitioner submits a Rescission of Previous Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(ii) and requests that this application be revived because it became abandoned for failure to notify the USPTO within 45 days of the filing of a corresponding international application. Petitioner states that an international application corresponding to the instant application was filed on March 18, 2008.

However, a review of the record indicates that the instant nonprovisional application did not become abandoned as a result of the filing of an international application on March 18, 2008. In this regard, the "Request Not to Publish" submitted on filing was not accepted as a proper certification under 35 U.S.C. § 122(b)(2)(B)(i). Therefore, any request to rescind under 35 U.S.C. § 122(b)(2)(B)(ii) would be inappropriate.

In view of the above and since this application did not become abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR 1.137(b) is unnecessary and, therefore, must be dismissed.

Under the circumstances of this case, the $810 is being refunded by Treasury Check in due course.

This application will be forwarded to Technology Center AU 3637 for examination in due course.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 1 8 2009

OFFICE OF PETITIONS

JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO, TX 78205

In re Application of
George R. Lynch, et. al.
Application No. 11/726,129
Filed: March 21, 2007
Attorney Docket No. P109367.04
(UTI)(CONT)

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 April 15, 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. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $555 for a three months extension of time filed on October 16, 2009. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $555 extension of time submitted with the present petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account

This application file is being referred to Technology Center Art Unit 3763 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

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OFFICE OF PETITIONS

In re Application of	:	
John Michael Cotton et al.	:	
Application No. 11/726,137	:	DECISION ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. 103014.58641US	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 16, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 17, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a oath or declaration filed September 14, 2007, (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 Patent Application Processing.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/64 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 103014.58641US

First named inventor: John Michael COTTON

Application No.: 11/726,137 Art Unit: 2616

Filed: March 20, 2007 Examiner:

Title: System and Method for Extending DSL Transmission Range

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☑ Small entity-fee $ 810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Reply to Notice to File Missing Parts of Nonprovisional App (identify type of reply):

☑ has been filed previously on September 14, 2007.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	October 7, 2008 Date
John P. Teresinski Typed or printed name	59,621 Registration Number, if applicable
Crowell & Moring, LLP Address	(202) 624-2500 Telephone Number
P.O. Box 14300, Washington, DC 20044-4300 Address	

Enclosures:
☑ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☑ Other: Copy of Reply to Notice to File Missing Parts and Oath/Declaration

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

Electronic Acknowledgement Receipt

EFS ID:	2199883
Application Number:	11726137
International Application Number:	
Confirmation Number:	7881
Title of Invention:	System and method for extending DSL transmission range
First Named Inventor/Applicant Name:	John Michael Cotton
Customer Number:	23911
Filer:	John P. Teresinski/Amy Baland
Filer Authorized By:	John P. Teresinski
Attorney Docket Number:	103014.58641US
Receipt Date:	14-SEP-2007
Filing Date:	20-MAR-2007
Time Stamp:	17:59:07
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$65
RAM confirmation Number	2765
Deposit Account	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)

1	Oath or Declaration filed	58614USNoticeofMP.PDF	144740 72d71ca19aea3516bf4710767040 5bdd2162363	no	2
Warnings:					
Information:					
2	Oath or Declaration filed	58641USOath.pdf	138088 9343bd1c27501bfd981926b39c017569 47abb1e8	no	3
Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	fee-info.pdf	8162 19b76760dd936bfa9e461a87e369bad5 9f804e70	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	290990		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Patent Application Fee Transmittal

Application Number:	11726137
Filing Date:	20-Mar-2007
Title of Invention:	System and method for extending DSL transmission range
First Named Inventor/Applicant Name:	John Michael Cotton
Filer:	John P. Teresinski/Amy Baland
Attorney Docket Number:	103014.58641US

Filed as Small Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Late filing fee for oath or declaration	2051	1	65	65
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	65

DECLARATION AND POWER OF ATTORNEY FOR NEW PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR EXTENDING DSL TRANSMISSION RANGE

the specification of which ☐ is attached hereto,
☒ was filed on March 20, 2007, as U.S. Application No.: 11/726,137, or
☐ PCT International Application, No.: _____,
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a Filing date before that the application on which priority is claimed.

Foreign Application(s), if any, for Patent or Inventor's Certificate Filed Within 12 Months Prior to the Filing Date of This Application:

Country	Application No.	Date of Filing (day, month, year)	Priority Claimed Under 35 U.S.C.§119
			[ ] YES [ ] NO

All Foreign Applications, if any, for Patent or Inventor's Certificate Filed More Than 12 Months Prior to the Filing Date of This Application:

Country	Application No.	Date of Filing

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Claimed
			___ Yes ___No

I hereby claim the benefit under Title 35, United States Code, §119 of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/784,887	March 21, 2006

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the Filing date of the prior application and the national or PCT international Filing date of this application.

Application Serial No.	Date of Filing	Status patented, pending, abandoned

I hereby appoint the practitioners associated with the Customer Number 23911 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send correspondence and direct telephone calls to:

Andrew M. Riddles, Esq.
Crowell & Moring LLP
P.O. Box 14330
Washington, D.C. 20044-4300
Telephone: (949) 263-8400 (PST)
Fax: (202) 628-8844

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature: John Michael Cotton Date: 8th June 2007
Name of first and joint inventor: John Michael Cotton
Residence (City, State): Rochester, New York
Post Office Address: 43 Cambridge Street, Rochester, NY 14607
Citizenship: Great Britain

Inventor's signature: Robert Alan Macaluso Date: 13 June 2007
Name of first and joint inventor: Robert Alan Macaluso
Residence (City, State): Webster, New York
Post Office Address: 931 Joylene Drive, Webster, NY 14580
Citizenship: U.S.

Inventor's signature: Perlis Joseph Trahan Date: June 13, 2007
Name of first and joint inventor: Perlis Joseph Trahan
Residence (City, State): Ontario, New York
Post Office Address: 2212 Orchard Creek Drive, Ontario, NY 14519
Citizenship: U.S.

Inventor's signature: Neil C. Olsen Date: 7/1/07
Name of first and joint inventor: Neil C. Olsen
Residence (City, State): Milford, Conneticut
Post Office Address: 810 Wheelers Farms Road, Milford, CT 06460
Citizenship: U.S.

Inventor's signature: Douglas R. Milliman Date: 6/14/07
Name of first and joint inventor: Douglas R. Milliman
Residence (City, State): Baldwinsville, New York
Post Office Address: 3126 Corlear Drive, Baldwinsville, NY 13027
Citizenship: U.S.

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	ATTORNEY DOCKET NUMBER
11/726,137	03/20/2007	John Michael Cotton	103014.58641US

CONFIRMATION NO. 7881

FORMALITIES LETTER

23911
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Date Mailed: 04/16/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a small entity

- **$65** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 2 - COPY TO BE RETURNED WITH RESPONSE

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Gregg L. Kennedy	: DECISION ON REQUEST FOR
Patent Number	: 7568666	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/726,138	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NY 10016

Mail Date: 04/21/2010

Applicant	: Marianne Henderson	: DECISION ON REQUEST FOR
Patent Number	: 7650664	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/726,154	: 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.

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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SMITH LAW OFFICE
8000 EXCELSIOR DRIVE, SUITE 301
MADISON WI 53717

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Heppner et al.	:	
Application No. 11/726,158	:	DECISION ON PETITION
Filed: 03/21/2007	:	
Attorney Docket No. 10016.537	:	

This is a decision on the petition filed February 23, 2010, which is being treated as a petition under 37 CFR.1.181 to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed on August 7, 2009, which set a three-month shortened statutory period for reply. Extensions of this period were available under 37 CFR 1.136(a). On February 18, 2010, the Office mailed a Notice of Abandonment.

Petitioners stated that they filed a reply to the non-final Office action accompanied by a request for an extension of time for response within the third month (and fee) on Monday, February 8, 2010. Petitioners submitted a copy of the reply and a date-stamped postcard receipt, acknowledging that USPTO had received the reply and a request for an extension of time for response within the third month on February 8, 2010. Furthermore, the reply and the request for an extension of time, filed February 8, 2010, were located among the papers in the Image File Wrapper for the above-identified application.

In view of the above, the reply is considered timely filed on Monday, February 8, 2010, with the request for an extension of time for response within the third month (and fee). See 37 CFR 1.8(a) and 1.136(a).

Accordingly, the petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that petitioners filed a timely response to the non-final Office action on Monday, February 8, 2010.

This matter is being referred to Technology Center Art Unit 3725 for further action on the reply filed on February 8, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/726,180	03/20/2007	Hye-Won Baek	1235-371	7419

7590 12/03/2008
THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/03/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

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Refund Ref:
12/04/2008  NFARMER   0000165359
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     CHECK Refund Total:      $700.00
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Adjustment date: 12/04/2008  NFARMER
06/11/2007 CNGUYEN2 00000043 11726180
02 FC:1111                        -500.00 OP
05 FC:1201                        -200.00 OP
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FORM PET651G (Rev. 08/07)

Practitioner's Docket No. 06336 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: JAMES O. BROWNE
Application No.: 11/726183 Group No.: Unknown 1723
Filed: Being Filed Herewith 3-21-07 Examiner: Unknown
For: METHOD, APPARATUS, AND KIT FOR MIXING SLURRY
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. § 1.102(c) AND M.P.E.P. § 708.02 IV)

NOTE: See M.P.E.P. § 708.02, 7th ed.

Applicant hereby petitions to make this application special because applicant is over 65 years of age.

As a showing of this fact, accompanying this petition is:

(check one of the following)

☐ applicant's birth certificate.

☒ a declaration by the applicant that he/she is over 65 years of age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

Charles F. Meroni Jr.
SIGNATURE OF PRACTITIONER

Reg. No.: 20,109

Charles F. Meroni, Jr.
(type or print name of practitioner)

Tel. No.: (847) 304-1500

P.O. Box 309
P.O. Address

Customer No.: 30114

Barrington, Illinois 60011

(Petition to Make Special Because of Applicant's Age [9-15.3])

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
APR 2 4 2007

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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MERONI & MERONI, P.C.
P.O. BOX 309
BARRINGTON, IL 60011

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MAR 0 5 2009

OFFICE OF PETITIONS

In re Patent No. 7,387,428	:	
Issued: June 17, 2008	:	
Application No. 11/726,183	:	ON PETITION
Filed: March 21, 2007	:	
Attorney Docket No. 06336	:	

This is a decision on the petition under 37 CFR 1.182, filed October 30, 2008, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

The file record discloses that the instant application matures into U.S. Patent No. 7,387,428 on June 17, 2008. However, petitioner contends that the patent was never received and it is presumed lost in the mail.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

In the absence of any irregularity there is a strong presumption that the communications was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communications was not in fact received.

In view of the facts set forth in the petition, petitioner has complied with items 1 and 2 above and it is concluded that the patent was never received. Accordingly, the $400.00 petition fee will be credited to petitioner's deposit account.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250, ext. 129. A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, P/ODM, South Tower 8C23 (FAX 571-270-9753)

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

JAMES D PETRUZZI
4900 WOODWAY SUITE 745
HOUSTON TX 77056

In re Application of	:	
Ball, et al.	:	
Application No. 11/726,187	:	ON PETITION
Filed: March 21, 2007	:	
Title: Open Sided Billiard Rack	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 21, 2009.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed June 10, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on September 11, 2009. The Office mailed a Notice of Abandonment on October 13, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OFFICE OF PATENT COUNSEL
SPAWARSYCEN, CODE 360012
53510 SILVERGATE AVE. ROOM 103
SAN DIEGO CA 92152-5765

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FEB 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
LAPORTA et al.	:	DECISION ON PETITION
Application No. 11/726,205	:	
Filed: 03/20/07	:	
Attorney Docket No. 97799	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 31, 2007, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed April 12, 2007, which 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 13, 2007. On December 17, 2007, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of replacement claims, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

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

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Patent Application Processing.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Browning Bushman P.C.
Suite 1800
5718 Westheimer
Houston TX 77057-5771

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AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Reimert, et al. :
Application No. 11/726,217 :
Filed: March 21, 2007 :
Attorney Docket No. DQIP-194 :
For: DOWNHOLE TOOL WITH C-RING CLOSURE SEAT

ON PETITION

This is a decision on the correspondence entitled, "RESPONSE TO MISSING PARTS," FILED May 10, 2007 (certificate of mailing date May 4, 2007), which is being treated as a petition under 37 CFR 1.53(e), requesting that Figures 1A and IF be accorded a filing date of March 21, 2007.

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was filed on March 21, 2007. On April 12, 2007, the Office of Initial Patent Examination mailed a " Notice of Omitted Item(s) in a Nonprovisional Application" informing applicants, *inter alia*, that Figures 1A and 1F appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request the March 21, 2007 filing date for Figures 1A and 1F on the basis that the allegedly omitted figures were received in the Patent and Trademark Office (PTO) on March 21, 2007.

The petition, signed by an attorney of record, states without equivocation or doubt that Figures 1A and 1F were forwarded with the nonprovisional application papers on March 21, 2007.

The Office file is the official record of what was filed on March 21, 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. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such statements, as in this case, are usually made months after the actual events recited.

It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

Petitioners are encouraged to submit their **date stamped** itemized postcard receipt.

Petitioners are reminded that it is not possible to obtain a filing date based on certificate of mailing practice and that it is not possible to prove the contents of an application relying on Express Mail practice.

Since Figures 1A and 1F were not among the papers filed on March 21, 2007, the application cannot be accorded a March 21, 2007 filing date with Figures 1A and 1F as part of the original disclosure of this application.

The petition is dismissed. The petition fee is required and will be retained.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of March 21, 2007. Figures 1A and 1F submitted with the instant petition, will **not** be considered part of the application. OIPE will consider applicants arguments that the declaration filed on March 21, 2007 is acceptable.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Casimir Jones, S.C.
440 Science Drive
Suite 203
Madison WI 53711

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JUL 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Gary D. **GLICK** :
Application No. 11/726,219 : ON PETITION
Filed: March 21, 2007 :
Attorney Docket No. UM-13481 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 15, 2008, to revive the above-identified application.

The petition is **DISMISSED AS MOOT.**

The record shows that a Notice of Incomplete Nonprovisional Application was mailed on July 12, 2007, stating that the application had not been accorded a filing date because the application papers are not in compliance with 37 CFR 1.52 and the application includes photographs which are illegible after scanning (see 37 CFR 1.84(b)). A Notice of Termination of Proceedings Under 37 CFR 1.53(e) was mailed on October 25, 2007.

A review of the record reveals that the application has not been accorded a filing date. Since no filing date was accorded, the application proceedings were terminated, not abandoned. As such, the petition is dismissed as moot. No petition fee has been charged, and none is due. The petition fee will be credited to petitioner's deposit account.

On January 15, 2008, the present petition was filed. The reply accompanying the petition complies with the requirements of the Notice of Incomplete Nonprovisional Application. Since a Notice of Incomplete Nonprovisional Application does not permit an Extension of Time, the fee will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Lori Baker Amerson at (571) 272-6052 or in her absence to the undersigned at (571) 272-7099.

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

David Bucci
Petitions Examiner
Office of Petitions

Cc: Robert A. Goetz
440 Science Drive, Suite 203
Madison WI 53711

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Ulrich Ewerlin	: DECISION ON REQUEST FOR
Patent Number	: 7647826	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/726,221	: 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 **302** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

In re Application of	:	
Kortenbach, et al.	:	
Application No. 11/726,248	:	DECISION
Filed: 21 March, 2007	:	
Attorney Docket No. 064B-Div1	:	

This is a decision on the petition filed on 12 June, 2007, under 37 C.F.R. §1.47(a).

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

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

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

[1] NOTE: **Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.**

BACKGROUND

The record indicates:

- the instant application was filed on 21 March, 2007, without, *inter alia*, a fully executed oath/declaration;

- on 12 April, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 12 June, 2007, Petitioner Scott D. Smiley (Reg. No. 55,627) filed, *inter alia*, the instant petition, three of the four pages of an oath/declaration signed by Messrs. Smith, Slater and Gotlieb (for themselves and on behalf of) but not the non-signing co-inventors Juergen A. Lortenbach (Mr. Kortenbach) and Robert Sixto, Jr. (Mr. Sixto), and statement by Petitioner and his averred paralegal Ms. Serene E. Keen that materials were transmitted by Email, and that Messrs. Kortenbach and Sixto have not replied, however, it is clear from Petitioner's submissions that there is no evidence of transmission of the entire application (description, claims, abstract and drawings) to and receipt by the non-signing inventors or of the accuracy of the addresses used therefore (receipt is confirmed by a written response from the non-signing inventor, not by silence)—and in light of that failure there also is no evidence of a diligent effort to ascertain a current and/or reasonably believed to be valid last known residential mail address for the non-signing inventors—Petitioner is directed to the discussion below from the Manual of Patent Examining Procedure for a discussion of the requirements to transmit to the non-signing inventor(s) copies of the entire application (description, claims, abstract and drawings), and the other requirements under the law, as discussed below.

The above-described procedure (and as set forth in detail below) is a matter of due process owed to the averred non-signing inventor.

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

---

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

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

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—
(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:
>
> (1)Identify the application to which it is directed;
>
> (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, Including the claims, as amended by any amendment specifically referred to in the oath or declaration; and

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false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

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

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

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

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

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

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

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

> (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

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

The commentary at MPEP §409.03(d) provides:

> **409.03(d) Proof of Unavailability or Refusal**
>
> INVENTOR CANNOT BE REACHED
>
> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> REFUSAL TO JOIN
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application

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

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

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

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

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

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

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

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

Petitioner's attention is directed to the discussion in the BACKGROUND and ANALYSIS, above, and should ensure that the deficiencies addressed there are corrected with any future petition herein, to include (but not necessarily be limited to) the requirements that a copy of the transmittal letter forwarding the entire application (description, claims, abstract and drawings) to, and evidencing reasonable diligence in ascertaining a reasonably believed last known/current address for the non-signing inventor, all as required by law.

CONCLUSION

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

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

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

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

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

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[3] See: MPEP 409.03(b).

[4] On July 15, 2005, the Central Facsimile (FAX) Number changed from (703) 872-9306 to (571) 273-8300. Old number(s) no longer are in service and (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[5] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[3] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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OFFICE OF PETITIONS

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

In re Application of	:	
Kortenbach, et al.	:	DECISION ON PETITION
Application No.: 11/726,248	:	
Filed: 21 March, 2007	:	
Attorney Docket No. 064B-Div1	:	

This is the decision in response to the petition under 37 C.F.R. §1.47(a), filed on 26 December, 2007.

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

> **NOTE**: Petitioner references in the instant petition the matter of applications averred to be "related," but which clearly are not in the continuity of the instant application. Petitioner is cautioned that, unless Petitioner refers to a parent application and presents a copy of a prior decision granting status under 37 C.F.R. §1.47, such a reference is inappropriate. (See: 37 C.F.R. §1.4(b): each application is and must be complete unto itself.)

The petition as considered under 37 C.F.R. §1.47(a), is **GRANTED.**

Petitioner has shown that the non-signing inventors have not replied and thus constructively have refused (also averred to have expressly refused) to sign/join in the filing of the above-identified application.

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

The record reflects that: Petitioner demonstrates that the entire application—description, claims, abstract and drawings—was sent to and received at the last known residence addresses of the non-signing inventors, who have failed and, thus, constructively refused to join in the filing of the above-identified application.

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **granted**.

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

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

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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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OFFICE OF PETITIONS

ROBERT SIXTO, JR.
8235 SW 99 STREET
MIAMI, FL 33156

In re Application of	:	
Kortenbach, et al.	:	COMMUNICATION
Application No.: 11/726,248	:	
Filed: 21 March, 2007	:	
Attorney Docket No. 064B-Div1	:	

Dear Robert Sixto, Jr.:

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 CFR 1.47, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 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.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s). Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

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

Counsel of Record:
MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

[1] The regulations at 37 C.F.R. §1.2 provide:
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JUERGEN KORTENBACH
122 PINECREST DRIVE
MIAMI, FL 33166

In re Application of	:	
Kortenbach, et al.	:	COMMUNICATION
Application No.: 11/726,248	:	
Filed: 21 March, 2007	:	
Attorney Docket No. 064B-Div1	:	

Dear Juergen Kortenbach.:

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 CFR 1.47, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 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.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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

Counsel of Record:
MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

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

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

In re Application of	:	
YANG, Sizhen	:	
Application No. 11/726,310	:	DECISION ON PETITION
Filed: March 20, 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 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 March 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **QUANTUM C/O WAGNER BLECHER LLP**
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076

UNITED STATES PATENT AND TRADEMARK OFFICE

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GORDAN & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO, CA 92101

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AUG 27 2008

In re Application of	:	
Michael RYAN	:	
Application No. 11/726,341	:	DECISION ON PETITION
Filed: March 21, 2007	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed May 8, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that David B. Waller does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHAEL RYAN
997 CATALINA
SAN DIEGO, CA 92106

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SQUIRE, SANDERS & DEMPSEY L.L.P.
1 MARITIME PLAZA, SUITE 300
SAN FRANCISCO CA 94111

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JUN 28 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Woodard
Application No. 11/726,383
Filed: March 21, 2007
Attorney Docket No. 055590.00068
For: SYSTEM FOR PREVENTING DIASTOLIC HEART FAILURE

This is a decision on the petition, filed May 10, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the June 1, 2009 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on September 2, 2009. A Notice of Abandonment was mailed on January 22, 2010.

Applicant has submitted an amendment in reply to the June 1, 2009 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 1, 2009 non-final Office action, and the $1,620.00 petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 3762 for consideration of the amendment filed on May 10, 2010.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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HARMAN – BRINKS HOFER
CHICAGO
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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JUL 0 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Hans Peter MAUDERER	:	
Application No. 11/726,394	:	DECISION ON PETITION
Filed: March 21, 2007	:	TO WITHDRAW
Attorney Docket No. 11336/1577 (P06004US)	:	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 15, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted above have been performed.

The request cannot be approved because the attorneys of record were not appointed by Customer Number 81166, as indicated.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HARMAN INTERNATIONAL INDUSTRIES, INC.
8500 BALBOA BOULEVARD
NORTHDRIDGE, CA 91329

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN DIEGO, CA 92130-2040

In re Application of	:	
Timothy J. Speight	:	
Application No. 11/726,397	:	DECISION ON PETITION
Filed: March 20, 2007	:	TO WITHDRAW
Attorney Docket No. **562492008000**	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept 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 or, the most current address of the first named inventor. The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUL 22 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Thomas Hein	:	DECISION ON PETITION
Application No. 11/726,401	:	TO WITHDRAW
Filed: March 21, 2007	:	FROM RECORD
Attorney Docket: QM000037	:	

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 17, 2010.

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

A review of the file record indicates that Slater & Matsil LLP were revoked as power of attorney by the assignee of the patent application on July 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JOHN S. ECONOMOU
202 MAMARONECK AVE., THIRD FLOOR
WHITE PLAINS NY 10601

UNITED STATES PATENT AND TRADEMARK OFFICE

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Heller Ehrman LLP
4350 La Jolla Village Drive, #700
7th Floor
San Diego, CA 92122

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MAR 1 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Yu Zheng	:	
Application No. 11/726,454	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. 44435-0002CIP3	:	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 27, 2008.

The request is **APPROVED**.

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

The request was signed by Steven A. Moore 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: **Yu Zheng**
3825 N. Lemon Avenue, #189
Walnut, CA 91789-2344

cc: **Patent Category Corporation**
Attn: Thomas Dover
368 S. Cheryl Lane
City of Industry, CA 91789

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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
11/726,454	03/22/2007	Yu Zheng	44435-0002CIP3

CONFIRMATION NO. 8702

POWER OF ATTORNEY NOTICE

33123
HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

OC000000034940168

Date Mailed: 03/11/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/27/2008.

- 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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Arnold & Ferrera, L.L.P.
2401 Fountain View Drive
Suite 630
Houston, TX 77057

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OFFICE OF PETITIONS

In re Application of	:	
Frederick Njuki	:	
Application No. 11/726,473	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. N31733US	:	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 30, 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 S. Knobloch 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 Frederick Njuki 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: **Frederick Njuki**
206A S Loop 336 W #114
Conroe, TX 77304

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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
11/726,473	03/22/2007	Frederick Njuki	N31733US

CONFIRMATION NO. 8265

POWER OF ATTORNEY NOTICE

Arnold & Ferrera, L.L.P.
2401 Fountain View Drive
Suite 630
Houston, TX 77057

OC000000027396334

Date Mailed: 12/20/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/30/2007.

- 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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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Martin P. Hardy :
Application No. 11/726,482 :
Filed: March 22, 2007 :
Attorney Docket No. DP-313941

This is a decision on the petition, filed December 8, 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 November 24, 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 3741 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

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OCT 29 2008

OFFICE OF PETITIONS

In re Application of :
Victor Filippovich, et. al. :
Application No. 11/726,485 : ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. FL0222USDIV1 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 11, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed July 9, 2007. A Notice of Abandonment was mailed on February 21, 2008.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of John S. Hendrickson 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.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $1,050 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 1621 for review of the amendment filed with the instant 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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VOLLRATH & ASSOCIATES
588 SUTTER ST. #531
SAM FRANCISCO CA 94102

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MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Lu, et al.	:	
Application No. 11/726,512	:	DECISION
Filed: 21 March, 2007	:	
Attorney Docket No. P06759	:	

This is a decision on the petition, filed on 2 February, 2009, considered in light of the express statement of non-receipt as one under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition as considered under 37 C.F.R. §1.181 is **DISMISSED** without prejudice; the petition under 37 C.F.R. §1.137(b) is **DISMISSED** without prejudice pending Petitioner's submission in support of the averment on non-receipt and consideration thereof.

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

Any further petition to revive 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. §1.181 to Withdraw the Holding of Abandonment."

As to the Request to Withdraw
the Holding of Abandonment

Petitioner's attention is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to satisfy the showing requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

For reference: Petitioner's attentions are directed to the guidance set forth in the Commentary at MPEP §711.03(c)(I)—and with particularity to the requirements therein of statements of non-

receipt at the address of record, search and non-discovery, with a description of docketing system and a statement of its reliability, and support for those the statements with copies of the docket record/file jacket cover and due date calendar/docket. (The requirements of the regulations at under 37 C.F.R. §1.181 also impose upon a Petitioner a duty to seek relief there under within two (2) months of the act complained of.)

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. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioner does not appear to have addressed the drawings requirements set forth in the Notice to File Missing Parts. These deficiencies ***must*** *be overcome.*

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 2 May, 2008, with reply due absent extension of time on or before 2 August, 2008.

The Office mailed a Notice of Abandonment on 16 December, 2008.

On 19 February, 2009, Petitioner:

- filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averred unintentional delay, submitted a reply in the form of an amendment and made a statement of unintentional delay (however, *the statement of unintentional delay is at variance from that set forth in the regulation, and in any renewed petition, Petitioner should set forth the proper statement*; and

- expressly stated non-receipt as might be considered as the basis of withdrawal of the holding of abandonment pursuant to 37 C.F.R. §1.181, however, Petitioner failed to satisfy the showing requirements as outlined in the guidance in the Commentary at MPEP §711.03(c)(I), which provides in pertinent part:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

Petitioner should address this matter in any promptly submitted renewed petition.

Out of an abundance of caution, Applicants 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.[2]

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.

---

1 *See*: MPEP §711.03(c) (I)(A).

2 See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Applicant's duty of candor and good faith and accepting a statement made by Applicant. 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).

STATUTES, REGULATIONS

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). And 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.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears not yet to have made the showing required or do so within the time required.

As to Allegations of Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As discussed above, it does not appear that Petitioner has satisfied the statement requirement under the rule as discussed above.

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **dismissed**; the petition under 37 C.F.R. §1.137(b) is **dismissed**.

---

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, 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.))

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 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[5]) 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

[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VOLLRATH & ASSOCIATES
588 SUTTER ST. #531
SAM FRANCISCO CA 94102

COPY MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Lu, et al.	:	
Application No. 11/726,512	:	DECISION
Filed: 21 March, 2007	:	
Attorney Docket No. P06759	:	

This is a decision on the petition, filed on 7 May, 2009, under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application; alternatively to revive pursuant to 37 C.F.R. §1.137(b) as having become abandoned due to unintentional delay.

The petition as considered under 37 C.F.R. §1.181 is **DISMISSED**; the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A Petitioner's attentions always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to satisfy the showing requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I). (The requirements of the regulations at under 37 C.F.R. §1.181 also impose upon a Petitioner a duty to seek relief there under within two (2) months of the act complained of.)

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. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 2 May, 2008, with reply due absent extension of time on or before 2 August, 2008.

The Office mailed a Notice of Abandonment on 16 December, 2008.

On 19 February, 2009, Petitioner:

- filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averred unintentional delay, submitted a reply in the form of an amendment and made a statement of unintentional delay (however, *the statement of unintentional delay is at variance from that set forth in the regulation, and in any renewed petition, Petitioner should set forth the proper statement*; and

- expressly stated non-receipt as might be considered as the basis of withdrawal of the holding of abandonment pursuant to 37 C.F.R. §1.181, however, Petitioner failed to satisfy the showing requirements as outlined in the guidance in the Commentary at MPEP §711.03(c)(I), which provides in pertinent part:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner

> should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

The petitions were dismissed on 23 March, 2009, for failure to satisfy the showing requirements as to37 C.F.R. §1.181 and the reply (drawings) requirement as to 37 C.F.R. §1.137(b)

Petitioner filed a petition on 7 May, 2009, but failed to provide the docket sheet (or file jacket cover) as to the showing pursuant to 37 C.F.R. §1.181, however, Petitioner did submit the reply requirements pursuant to 37 C.F.R. §1.137(b) drawings (and amendment, previously filed).

Out of an abundance of caution, Applicants 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.[2]

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.

STATUTES, REGULATIONS

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). And 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.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

---

1 *See*: MPEP §711.03(c) (I)(A).

2 See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Applicant's duty of candor and good faith and accepting a statement made by Applicant. 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).

3 See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

4 The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, 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.))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears not yet to have made the showing required.

As to Allegations of
Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that Petitioner has satisfied the requirements pursuant to 37 C.F.R. §1.137(b).

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **dismissed**; the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2816 for further processing 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 TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU 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[5]) 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

[5] 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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COLIN P. ABRAHAMS
5850 CANOGA AVENUE
SUITE 400
WOODLAND HILLS, CA 91367

COPY MAILED

AUG 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
JAMES V. PHELAN	:	
Application No. 11/726,530	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1342-102.US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 22, 2007 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 3611 for action on the merits commensurate with this decision.

April M. Wise

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: James L. Gregory	: DECISION ON REQUEST FOR
Patent Number	: 7645414	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/726,541	: 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 **179** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MAILED

JAN 25 2010

OFFICE OF PETITIONS

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

In re Application of	:	
Volkerink et al.	:	
Application No. 11/726,542	:	DECISION ON PETITION,
Filed: March 22, 2007	:	PURSUANT TO
Attorney Docket No.: 106018	:	37 C.F.R. § 1.137(B)
Title: SYSTEM AND METHOD FOR	:	
ELECTRONIC TESTING OF	:	
MULTIPLE MEMORY DEVICES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed November 13, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED.**

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 12, 2009, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on September 13, 2009. A Notice of Abandonment was mailed on November 24, 2009, subsequent to the filing of this petition.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;

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

(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Applicant has submitted the issue, publication, and petition fees, along with the proper statement of unintentional delay. As such, requirements one through three of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[3]

However, this petition cannot be granted at the present time. It is noted that on August 19, 2009, the Office of Patent Publication mailed a notice which indicated that a substitute oath or declaration was required, which set a three-month period for response. With this petition, Petitioner has included a declaration which does not contain the residence of each inventor, along with a "Data Sheet." This Supplemental Application Data Sheet (ADS) cannot be entered, for the following three reasons.

First, the Supplemental ADS fails to "contain all of the section headings" listed in 37 C.F.R. § 1.76(b).[4]

Second, the Supplemental ADS has not been titled as a "Supplemental Application Data Sheet."[5]

Third, the Supplemental ADS has not been executed. Petitioner will note that an ADS filed with the application is not required to be signed unless the ADS includes a nonpublication request. 37 C.F.R. § 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 C.F.R.

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3 See Rule 1.137(d).
4 37 C.F.R. § 1.76(a).
5 MPEP § 601.05 indicates that any ADS that is submitted to "correct, modify, or augment the original application data, the ADS, even though it is the first-filed ADS, must be titled "Supplemental Application Data Sheet."

§ 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, a supplemental ADS filed after the filing of an application must be signed in accordance with 37 C.F.R. § 1.33(b).

On renewed petition, Petitioner should submit a properly titled Supplemental ADS that contains the required section headings (with any appropriate data for each section heading) and has been executed.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[10]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Paper No.

MAILED

MAR 17 2010

OFFICE OF PETITIONS

Gregory W. Osterloth
Holland & Hart, LLP
P.O. Box 8749
Denver CO 80201

In re Application of	:	
Volkerink et al.	:	
Application No. 11/726,542	:	DECISION ON RENEWED
Filed: March 22, 2007	:	PETITION PURSUANT TO
Attorney Docket No.: 106018	:	37 C.F.R. § 1.137(B)
Title: SYSTEM AND METHOD FOR	:	
ELECTRONIC TESTING OF	:	
MULTIPLE MEMORY DEVICES	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed March 5, 2010, to revive the above-identified application.

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

The Power of Attorney and Change of Correspondence Address submitted on March 4, 2010, has been entered and made of record.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 12, 2009, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on September 13, 2009. A Notice of Abandonment was mailed on November 24, 2009, subsequent to the filing of this petition.

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

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

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

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on November 13, 2009, along with the issue, publication, and petition fees, and the proper statement of unintentional delay. A decision was mailed on January 25, 2010, which dismissed the petition and indicated that requirements one through three of Rule 1.137(b) have been met, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[3]

The decision further indicated that "Petitioner has included a declaration which does not contain the residence of each inventor, along with a "Data Sheet."[4] This portion of the decision on the original petition is hereby withdrawn.

The Office of Patent Publication will be notified of this decision, and jurisdiction over this application is transferred to the Office of Patent Publication, so that this application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be

3 See Rule 1.137(d).
4 Decision on original petition, page 2.

effected - **the Office of Petitions cannot effectuate a change of status**.

It is noted in passing that the Supplemental Application Data Sheet that was submitted on March 5, 2010 cannot be entered, as it fails to "contain all of the section headings" listed in 37 C.F.R. § 1.76(b).[5]

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[6] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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5 37 C.F.R. § 1.76(a).
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/726,542	03/22/2007	Erik Volkerink	106018

CONFIRMATION NO. 9699

POWER OF ATTORNEY NOTICE

30636
FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

OC000000040518289

Date Mailed: 03/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/04/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

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

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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
11/726,542	03/22/2007	Erik Volkerink	106018

CONFIRMATION NO. 9699

POA ACCEPTANCE LETTER

63448
Gregory W. Osterloth
Holland & Hart, LLP
P.O. Box 8749
Denver, CO 80201

OC000000040518290

Date Mailed: 03/16/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/04/2010.

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

/pashanoski/

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

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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH, WI 54956

Mail Date: 04/21/2010

Applicant	: Frederick John Lang	: DECISION ON REQUEST FOR
Patent Number	: 7588662	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/726,586	: 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 **245** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/07/10

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 11726597 Patent No.: 7654320

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: _____

DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
SPE

3672
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/726,636	03/22/2007	Jeremy C. Herr	10379-3U3	9113

570 7590 03/11/2010
PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER
POPOVICI, DOV

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
03/11/2010	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):

usptomail@panitchlaw.com

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

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET ST. SUITE 2200
PHILADELPHIA, PA 19103

MAIL

MAR 10 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Jeremy Herr
Serial No.: 11/726,636
Filed: March 23, 2007
For: PREPARATION OF PRODUCTION DATA FOR A PRINT JOB USING A STILL IMAGE PROXY OF A PAGE DESCRIPTION LANGUAGE IMAGE FILE

DECISION ON PETITION

ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.184(a)(2), filed March 22, 2007 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS. 6, 8, 9,10,11,12,13,15,18,19 &20 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Mike Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK CA 94598

COPY MAILED

MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Shih-Sheng Yang	:	
Application No. 11/726,670	:	DECISION ON PETITION
Filed: March 22, 2007	:	PURSUANT TO
Attorney Docket No. FP12624	:	37 C.F.R. § 1.181
Title: DATE CODE MARKING SYSTEM	:	

This is a decision on the petition filed on February 19, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the "Notice to File Corrected Application Papers' (notice), mailed April 17, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 18, 2007. A notice of abandonment was mailed on December 21, 2007.

The showing in this petition is not sufficient to withdraw the holding of abandonment. Petitioner has argued that the holding of abandonment should be withdrawn because the notice of April 17, 2007 "was mailed to the wrong Agent of record..." This assertion does not appear to be accurate.

This application was filed on March 22, 2007, along with a "Power of Attorney and Correspondence Address Indication Form," appointing the practitioners associated with the Customer Number 48,159. The form further indicated that the correspondence address should be the address that is associated with this Customer Number: Aufrichtig & Aufrichtig, P.C., 300 East 42nd Street, 5th Floor, New York, NY, 10017.

Consequently, the notice of **April 17, 2007** was properly mailed to the law firm of Aufrichtig & Aufrichtig, P.C..

On **June 18, 2007**, Petitioner submitted a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, which requested that the correspondence address of record be changed to the address that is associated with Customer Number 52,981: Leong C Lei, PMB # 1008, 1867 Ygnacio Valley Road, Walnut Creek, CA, 94598. The correspondence request was entered and made of record, and a "Notice of Acceptance of Power of Attorney" was mailed to Petitioner on June 27, 2007.

It follows that the notice was sent to the proper address. **The request to change the correspondence address of record to Petitioner's address was not submitted until two months after the mailing of the notice.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to submit a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b).

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES 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.

LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK CA 94598

COPY MAILED
AUG 11 2008

In re Application of	:	
Shih-Sheng Yang	:	
Application No. 11/726,670	:	DECISION ON PETITION
Filed: March 22, 2007	:	PURSUANT TO
Attorney Docket No. FP12624	:	37 C.F.R. § 1.137(B)
Title: DATE CODE MARKING SYSTEM	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed April 30, 2008, to revive the above-identified application.

It is noted that this petition contains an incorrect filing date. The Office will presume that this is a typographical error.

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

The above-identified application became abandoned for failure to reply in a timely manner to the "Notice to File Corrected Application Papers' (notice), mailed April 17, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 18, 2007. A notice of abandonment was mailed on December 21, 2007.

A petition pursuant to 37 C.F.R. § 1.181 was filed on February 19, 2008, and was dismissed via the mailing of a decision on March 27, 2008.

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

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

With this petition, Petitioner has submitted the petition fee, replacement drawings, and the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement is not applicable.

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

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status**.

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
555 EAST WELLS STREET, SUITE 1900
MILWAUKEE, WI 53202

MAILED

APR 20 2010

OFFICE OF PETITIONS

In re Application of
Dan B. Millward
Application No. 11/726,674
Filed: March 22, 2007
Attorney Docket No. MIT-34278

ON PETITION

This is a decision on the petition, filed April 19, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 15, 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 1792 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Aug-07

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP
60 EAST 42ND STREET
SUITE 820
NEW YORK NY 10165

COPY MAILED

AUG 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Alexander Koenigstein	:	
Application Number: 11/726678	:	ON PETITION
Filing Date: 03/22/2007	:	
Attorney Docket Number: 2236-100	:	

Receipt is acknowledged of the "PETITION FOR DATE OF DEPOSIT," filed on 15 June, 2007, concerning the United States Patent and Trademark Office's handling of the above-referenced patent application.

The petition is dismissed.

The application was filed on 22 March, 2007. However, on 18 April, 2007, the Office of Initial Patent Examination mailed a "Notice" stating that the application had been accorded a filing date of 22 March, 2007, and advising applicant that Figures 6 and 7 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that Figures 6 and 7 were not missing on 22 March, 2007. Instead, petitioner asserts, the application as filed included a drawing sheet labeled "Figure 5", which actually included Figures 5, 6, and 7. The mislabeled drawing sheet, asserts petitioner, includes Figures 6 and 7. A replacement sheet, which includes labels for Figures 6 and 7 has been provided with the subject petition.

It is obvious from the petition that no drawing was actually missing on 22 March, 2007. Rather, drawing Figures 6 and 7 were simply mislabeled as a result of the applicant's filing error. However, the "Notice" mailed on 18 April, 2007, was correct in stating that Figures 6 and 7 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

As the present petition was not necessitated by an error on the part of the Office, the petition fee will not be refunded.

The application will be processed using only the application papers filed on 22 March, 2007. The copy of the drawing sheets supplied with the present petition on 15 June, 2007, will not be used for processing, but will be retained in the application file.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 22 March, 2007, using only the application papers filed on that date.

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

DWood

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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R. GALE RHODES, ESQ. / MOSER IP LAW GROUP
1030 BROAD STREET
2ND FLOOR
SHREWSBURY, NJ 07702

Mail Date: 04/21/2010

Applicant	: Leroy D. Geist	: DECISION ON REQUEST FOR
Patent Number	: 7611459	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/726,689	: 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 **174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

R. GALE RHODES, ESQ. / MOSER IP LAW GROUP
1030 BROAD STREET
2ND FLOOR
SHREWSBURY, NJ 07702

Mail Date: 05/18/2010

Applicant : Leroy D. Geist
Patent Number : 7611459
Issue Date : 11/03/2009
Application No : 11/726,689
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 **202** 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **7-13-10**

TO SPE OF : ART UNIT **2831**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11726700** Patent No.: **7525312**

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 – 9D10-E
Palm Location 7580

Omega Lewis
Certificates of Correction Branch

703-756-1575

Thank You For Your Assistance

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

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

Comments: The Changes are editorial the scope and meaning of the claims is not changed.

\Louis M Arana\ 7/13/201

/Diego Gutierrez/
SPE

AU 2831

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : March 25, 2009

Patent No. :7473091
Inventor(s) :Myung Sung Woo, et al.
Issued :January 6, 2009
Title :APPARATUS FOR MANUFACTURING MEGAPIXEL MULTI-FOCUS LENS

Re: Request for Certificate of Correction

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

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

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

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

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

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

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

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

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

EFS web uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Technical Support 1-866-217-9197

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 Ext. 123

Raymond A. DiPena
c/o Ladas & Parry LLP
26 West 61st Street
New York, Ny 10023

/arg

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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COPY MAILED

JUL 06 2009

OFFICE OF PETITIONS

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of
Patricia Wiener
Application No. 11/726,767
Filed: March 23, 2007
Attorney Docket No. PA4193US

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 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 Myrna M. Scheling on behalf of attorney/agents associated with customer number 22830. All attorneys/agents associated with customer number 22830 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: Patricia Wiener
Route 2 Box 188
La Honda, CA 94020

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
11/726,767	03/23/2007	Patricia Wiener	PA4193US

CONFIRMATION NO. 8572

POWER OF ATTORNEY NOTICE

22830
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

OC000000036783975

Date Mailed: 07/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2009.

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

/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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United States Patent and Trademark Office
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Gard and Kaslow, LLP
4 Main Street, Suite 120
Los Altos, CA 94022

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of
Patricia Wiener
Application No. 11/726,767
Filed: March 23, 2007
Attorney Docket No. PA4193US

:DECISION ON PETITION
:TO MAKE SPECIAL UNDER
: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 30, 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) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record that the inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 3661 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.

Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/25/09

TO SPE OF : ART UNIT 3772

SUBJECT : Request for Certificate of Correction for Appl. No.: 11726787 Patent No.: 7497838 B1

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the 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.

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

Comments: _____

/Patricia Bianco/ SPE 3772 7/9/09

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE	Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090629

DATE : June 25, 2009

TO SPE OF : ART UNIT 3772

SUBJECT : Request for Certificate of Correction on Patent No.: 7497838 B1

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:

/PATRICIA M BIANCO/
Supervisory Patent Examiner.Art Unit 3772

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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NOV 06 2008

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY, SUITE 1001
WESTBOROUGH, MA 01581

In re Application of Yechiel Yochai Application No. 11/726,831 Filed: March 23, 2007 Attorney Docket No. EMS-147US	: : : : :	DECISION GRANTING PETITION UNDER 37 CFR 1.137(f)

This is a decision on the petition, filed July 28, 2008, 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 indicates that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on March 19, 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 petition is found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 12, 2009 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being referred to the Technology Center 2165.

Sherry D. Brinkley
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
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/726,831	03/23/2007	Yechiel Yochai	EMS-147US

CONFIRMATION NO. 9675

52427
MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY, SUITE 1001
WESTBOROUGH, MA 01581

NONPUBLICATION RESCISSION LETTER

OC000000032933918

Date Mailed: 11/04/2008

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 02/12/2009.

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".

/sdbrinkley/

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

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OFFICE OF PETITIONS

D. Peter Hochberg CO. L.P.A.
1940 East 6th Street
Cleveland, OH 44114

In re Application of	:	
James McLaughlin	:	
Application No. 11/726,843	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. XX4355US (#90718)	:	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 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 D. Peter Hochberg 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 D. Peter Hochberg at the address indicated below.

There is no outstanding Office action 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: **James McLaughlin**
Postpal, LLC
10974 Forestview Drive
Strongsville, OH 44136

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
11/726,843	03/23/2007	James McLaughlin	XX4355US (#90718)

CONFIRMATION NO. 8405

POWER OF ATTORNEY NOTICE

28672
D. PETER HOCHBERG CO. L.P.A.
1940 EAST 6TH STREET
CLEVELAND, OH 44114

OC000000030756314

Date Mailed: 07/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/15/2008.

- 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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Iandiorio & Teska
260 Bear Hill Road
Waltham MA 02451-1018

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OFFICE OF PETITIONS

In re Application of	:	
Pierre D. Deschamps	:	
Application No. 11/726,847	:	DECISION GRANTING PETITION
Filed: March 23, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PKI-303J	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 24, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 16, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2878 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

---

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

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CHOATE, HALL & STEWART LLP/WYETH LLC
PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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OFFICE OF PETITIONS

In re Application of	:	
Sharon Rosenzweig-Lipson	:	
Application No. 11/726,850	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. **2004658-0680 (AM102086)**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 20, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 24280 has been revoked by the assignee of the patent application on December 9, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

It is noted that the Revocation of Power of Attorney and the assignee's statement under 37 CFR 3.73(b) list the assignee as "Wyeth LLC". However, the U.S. Patent and Trademark Office assignment records disclose that an assignment from Reel/Frame: 019314/0499 recorded on August 13, 2007, shows the name as "Wyeth" not "Wyeth LLC". Therefore, the Office will construe the name "Wyeth LLC" as the assignee of record. If this is not correct petitioner must notify the Office.

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

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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OFFICE OF PETITIONS

In re Application of	:	
Yosi Tuval, et al.	:	
Application No. 11/726,863	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 4529/99342	:	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 22, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not certified that hey have notified the client of any responses that may be due and the time frame within which the client must respond.

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. 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: YOSI TUVAL
16 MCDONALD STREET
NETANYA, IL 60565

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In re Application of
Yosi Tuval, et al.
Application No. 11/726,863
Filed: March 23, 2007
Attorney Docket No. 4529/99342

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 November 20, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not have not provided the proper customer number for this application. In order to withdraw by customer number petitioners must provide and request withdrawal by the same customer number by which they were appointed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by 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 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: JEFF J. HOHENSHELL
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY
MINNEAPOLIS, MN 55432

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OFFICE OF PETITIONS

In re Application of	:	
Yosi Tuval, et al.	:	
Application No. 11/726,875	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 99353	:	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 22, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not certified that hey have notified the client of any responses that may be due and the time frame within which the client must respond.

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. 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: YOSI TUVAL
16 MCDONALD STREET
NETANYA, IL 60565

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CHICAGO, IL 60606

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In re Application of
Yosi Tuval, et al.
Application No. 11/726,875
Filed: March 23, 2007
Attorney Docket No. 4529/99353

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 November 20, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not have not provided the proper customer number for this application. In order to withdraw by customer number petitioners must provide and request withdrawal by the same customer number by which they were appointed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by 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 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: JEFF J. HOHENSHELL
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY
MINNEAPOLIS, MN 55432

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OFFICE OF PETITIONS

In re Application of	:	
Yosi Tuval, et al.	:	
Application No. 11/726,889	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 4529/99352	:	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 22, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not certified that hey have notified the client of any responses that may be due and the time frame within which the client must respond.

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. 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: YOSI TUVAL
16 MCDONALD STREET
NETANYA, IL 60565

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In re Application of
Yosi Tuval, et al.
Application No. 11/726,889
Filed: March 23, 2007
Attorney Docket No. 4529/99352

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 November 20, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not have not provided the proper customer number for this application. In order to withdraw by customer number petitioners must provide and request withdrawal by the same customer number by which they were appointed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by 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 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: JEFF J. HOHENSHELL
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY
MINNEAPOLIS, MN 55432

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OFFICE OF PETITIONS

In re Application of	:	
Yosi Tuval, et al.	:	
Application No. 11/726,893	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 4529/99350	:	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 22, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not certified that hey have notified the client of any responses that may be due and the time frame within which the client must respond.

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. 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: YOSI TUVAL
16 MCDONALD STREET
NETANYA, IL 60565

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In re Application of
Yosi Tuval, et al.
Application No. 11/726,893
Filed: March 23, 2007
Attorney Docket No. 4529/99350

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 November 20, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not have not provided the proper customer number for this application. In order to withdraw by customer number petitioners must provide and request withdrawal by the same customer number by which they were appointed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by 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 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: JEFF J. HOHENSHELL
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY
MINNEAPOLIS, MN 55432

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

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AUG 01 2007

OFFICE OF PETITIONS

In re Application of	:
Shaoher X. Pan et al	:
Application No. 11/726,895	: DECISION ACCORDING STATUS
Filed: March 23, 2007	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 021713-002213US	:

This is in response to the communication received with the filing of this application on March 23, 2007, which communication is being treated as a request to accord 37 CFR 1.47(a) status to the above-identified application.

The request is **granted**.

Where status under 37 CFR 1.47 is granted in a first application and the nonsigning inventor does not later join in the filing by executing an oath or declaration for the application, and another application (a child application) is later filed claiming the benefit of the filing date of the first application and using the declaration of the prior application, status under 37 CFR 1.47 continues to exist in the child application. Prior Application Nos. 10/756,936 and 11/147,420, of which the instant application claims priority benefits under 35 U.S.C. § 120, were accorded 37 CFR 1.47 status.

37 CFR 1.63(d)(3) states:

> Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
>
> (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application,

> unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c).

The application papers were not accompanied by a copy of the decisions granting a petition under 37 CFR 1.47(a) in the prior applications. However, in order to expedite processing of this application, a copy of the decisions granting 37 CFR 1.47(a) status to the above-noted, prior-filed applciations has been made and placed in the present continuation application.

The above-identified application and papers are 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), no notice of this application's filing will be forwarded to the nonsigning inventor nor will such notice be published in the Official Gazette since notice regarding the filing of the prior application was given to the nonsigning inventor.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

OCT 19 2005

OFFICE OF PETITIONS

In re Application of :
Pan, et al. :
Application No.: 11/147,420 : DECISION
Filed: June 6, 2005 :
Docket No.: 021713-002212US :
For: REFLECTIVE SPATIAL LIGHT :
MODULATOR :

This decision is in response to the petition under 37 CFR 1.47, filed September 19, 2005

The petition is hereby **GRANTED**.

A review of the official application file reveals that the instant application is a continuation in part of 10/378,936 and that said application was accorded Rule 47 status.

In accordance with 37 CFR 1.63(d)(3), where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by: (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and (ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

A copy of the declaration and decision according Rule 47 status in application No. 10/756,936 have been placed in the official application file of application No. 11/147,420.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this continuation application.

This application is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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MAY 24 2004
OFFICE OF PETITIONS

In re Application of	:
Pan, Yang, Chen, and Zhang	:
Application No. 10/756,936	: DECISION ACCORDING STATUS
Filed: January 13, 2004	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 23340-08599	:
For: Reflective Spatial Light Modulator	:

This is in response to the petition under 37 CFR 1.47(b), filed January 13, 2004, which has been treated as a petition under 37 CFR 1.47(a).[1]

The petition is granted.

Petitioner has shown that Dr. Shaoher X. Pan, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Greg T. Sueoka, a registered practitioner, establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

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

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the

[1] A petition under 37 CFR 1.47(b) is inappropriate in this instance because all but one of the inventors has signed the declaration. A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors will sign, accordingly the petition will be treated as a petition under 37 CFR 1.47(a).

address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The application will be examined in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Dr. Shaoher X. Pan
1133 Kelez Drive
San Jose, CA 95120

COPY MAILED
MAY 24 2004
OFFICE OF PETITIONS

In re Application of :
Pan, Yang, Chen, and Zhang :
Application No. 10/756,936 : LETTER
Filed: January 13, 2004 :
Attorney Docket No. 23340-08599 :
For: Reflective Spatial Light Modulator :

Dear Dr. Pan:

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.

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).

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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SEP 29 2008

HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7th FLOOR
SAN DIEGO, CA 92122

In re Application of :

HOROWITZ, et al. :
Application No. 11/726,902 : DECISION ON PETITION TO
Filed: March 23, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. 42964-0003 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 20, 2008.

The request is APPROVED.

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

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

There is an outstanding Office action mailed August 6, 2008 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: LAWRENCE HOROWITZ
362 SELBY LANE
ATHERTON, CA 94027

cc: GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

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P.O. Box 1450
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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

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JUL 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Yosi Tuval, et al.	:	
Application No. 11/726,915	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 99351 (61164)	:	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 22, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not certified that hey have notified the client of any responses that may be due and the time frame within which the client must respond.

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. 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: YOSI TUVAL
16 MCDONALD STREET
NETANYA, IL 60565

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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

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FEB 01 2010

In re Application of Yosi Tuval, et al. Application No. 11/726,915 Filed: March 23, 2007 Attorney Docket No. 99351 (61164)	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 November 20, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not have not provided the proper customer number for this application. In order to withdraw by customer number petitioners must provide and request withdrawal by the same customer number by which they were appointed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by 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 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: JEFF J. HOHENSHELL
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY
MINNEAPOLIS, MN 55432

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CHOATE, HALL & STEWART LLP/WYETH LLC
PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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JAN 13 2010

In re Application of	:	
Sharon Rosenzweig-Lipson	:	
Application No. 11/726,924	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. **AM102356**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed November 20, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 24280 has been revoked by the applicants of the patent application on November 03, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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CHOATE, HALL & STEWART LLP/WYETH LLC
PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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JAN 13 2010

In re Application of	:	
Sharon Rosenzweig-Lipson	:	
Application No. 11/726,927	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. **AM102046**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed November 20, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 24280 has been revoked by the applicants of the patent application on December 9, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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JAN 14 2010

OFFICE OF PETITIONS

In re Application of Sharon Rosenzweig-Lipson Application No. 11/726,928 Filed: March 23, 2007 Attorney Docket No. **AM102088**	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 November 20, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 24280 has been revoked by the applicants of the patent application on November 24, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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ARNOLD & KNOBLOCH, L.L.P.
4900 WOODWAY DR., SUITE 900
HOUSTON TX 77057

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DEC 29 2009

OFFICE OF PETITIONS

In re Application of

DUNHAM, Sue L.
Application No. 11/726,959
Filed: March 21, 2007
Attorney Docket No. **D31775US**

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 **APPROVED**.

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

The request was signed by Charles Knobloch on behalf of all attorneys of record who are associated with customer No. 28805. All attorneys/agents associated with the Customer Number 28805 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Sue Dunham at the address indicated below.
There is an outstanding Office action mailed July 21, 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: **SUE L. DUNHAM**
112 PALM DRIVE
MARLIN TX 76661

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MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

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JUN 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Darrin G. Hegemier, et al.	:	
Application No. 11/726,960	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 92356/9066	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 22, 2010.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on April 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **FITCH EVEN TABIN & FLANNERY**
120 South LaSalle Street
Suite 1600
Chicago, IL 60603-3406

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OCT 0 1 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Richard E. Demaray et al	:	
Application No. 11/726,972	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. 10655.0033-01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 28, 2009.

The request is **APPROVED**.

The request was signed by C. Larry O'Rourke on behalf of the practitioners who are associated with customer No. 22852.

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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Richard E. Demaray
190 Fawn Lane
Portola Valley, CA 94028

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue, Suite 700
Dallas, TX 75219

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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
11/726,972	03/22/2007	Richard E. Demaray	10655.0033-01

CONFIRMATION NO. 9954

POWER OF ATTORNEY NOTICE

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

OC000000038038494

Date Mailed: 10/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/726,972	03/22/2007	Richard E. Demaray	10655.0033-01

CONFIRMATION NO. 9954

POA ACCEPTANCE LETTER

Richard E. Demaray
190 Famn Lane
Portola Valley, CA 94028

OC000000038038558

Date Mailed: 10/01/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2009.

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

/idingle/

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

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United States Patent and Trademark Office
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JAN 15 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Wilhelm ULRICH, et *al.*	:	
Application No. 11/727,013	:	DECISION GRANTING PETITION
Filed: March 23, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **Q100766**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 11, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 21, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2872 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement and amendment.

/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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 111809

DATE : NOVEMBER 16, 2009

TO SPE OF : ART UNIT 2885

SUBJECT : Request for Certificate of Correction for Appl. No.: 11727019 Patent No.: 7334913

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch

703-756-1573

Thank You For Your Assistance

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

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

Comments: There is no paper filed to give evidence in which the inventor's name should be changed from "Chin-Nan Chen" to -- Jing-Nan Chen --. Further, applicant signed the oath & Dec. having the name such as "Chin-Nan Chen".

SPE

2885
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,334,913

DATED : February 26, 2008

INVENTOR(S) : Jing-Nan CHEN

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

Please amend applicant's name from "Chin-Nan CHEN" to --Jing-Nan CHEN--.

Mailing address of sender:

Patent No. 7,334,913

No. of add'l copies
@ .30 per page

Bacon & Thomas, PLLC
625 Slaters Lane 4th Floor
Alexandria, Va. 22314
TEL (703) 683-0500
FAX (703) 683-1080

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

OCT 21 2009

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,499,157 :
Issued: March 3, 2009 :
Application No. 11/727,037 :
Filed: March 23, 2007 :
Attorney Docket Number: 520.42995CXI :

This is a decision on the petition, filed July 29, 2009, under 37 CFR 3.81(b)[1] to correct the assignee's name on the front of the Patent.

The petition is **GRANTED**.

Although the correct name of the assignee was not included on the Issue Fee Transmittal, PTOL-85B, petitioner states that the assignee is HITACHI HIGH-TECHNOLOGIES CORPORATION and that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent.

In view thereof, and since Office assignment records reflect that THE REGENTS OF THE UNIVERSITY OF CALIFORNIA is the assignee of record as the assignment was recorded with the parent application no. 10/630,734 the request complies with the provisions of 37 CFR 3.81(b) and it is therefore appropriate for a certificate of correction to issue.

The petition fee in the amount of $130.00 and the fee for the certificate of correction in the amount of $100 have been applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] *See* Official Gazette of June 22, 2004

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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MAILED

JUN 23 2009

OFFICE OF PETITIONS

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Patent No. 7,382,557 :
Issued: June 3, 2008 :
Application No. 11/727,078 : NOTICE
Filed: March 23, 2007 :
Atty Docket No. LI24 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This patent 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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/727,082	03/23/2007	Teruma Aoto	Q100742	1028

7590 07/10/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
07/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/13/2009 NFARMER 0000167979

CHECK Refund Total: $900.00

Adjustment date: 07/13/2009 NFARMER
03/26/2007 JADDO1 00000006 11727082
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Ahn	:	
Filed: March 23, 2007	:	ON PETITION
Application No. 11/727,123	:	
Atty. Dkt. No.: SEC.1176D	:	

This decision is in response to the "PETITION" filed May 21, 2007, to accord the above-identified application a filing date of March 23, 2007 with Page 10 of the specification as part of the original application as filed.

The application was filed March 23, 2007. The Notice mailed April 25, 2007 indicated, *inter alia*, that the application had been accorded a filing date but that Page 10 of the specification appeared to have been omitted from the application as filed.

In response, the petitioner herein argues that the application as deposited included 22 pages of specification, including page 10, and has presented as proof of mailing and proof of receipt of the item in question a return postcard date stamped by the Office on March 23, 2007. A copy of item purportedly filed with the application was submitted herewith.

The original Page 10 of the specification submitted with the application has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of March 23, 2007 is GRANTED.

Since the original Page 10 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. A refund has been requested from the Finance Office, Refund Section.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of

March 23, 2007 with Page 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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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SEP 1 0 2007

OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of :
Ferretti :
Filed: March 23, 2007 : ON PETITION
Application No. 11/727,127 :
Atty. Dkt. No.: J1036.0029/P029 :

This decision is in response to the petition filed June 25, 2007 to accord the above-identified application a filing date of March 23, 2007 with specification pages 3, 12-15, 16-21 as part of the original application as filed.

The application was filed March 23, 2007. The Notice mailed April 25, 2007 indicated that the application had been accorded a filing date but that pages 3, 12-15, and 16-21 appeared to have been omitted from the specification as filed.

In response, petitioner herein argues that the application as deposited included the pages in question and has presented as proof of mailing and proof of receipt of the pages in question a copy of a return postcard date stamped by the Office on March 23, 2007. A complete copy of specification was submitted with the instant petition.

The original pages have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of March 23, 2007 is GRANTED.

Since the original of specification pages 3, 12-15, and 16-21 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. A refund of the previously submitted $400.00 petition fee has been requested from the Finance Office, Refund Section on behalf of petition and will be issued in due course.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 23, 2007 with 48 pages of specification (32 pages of

specification; 15 pages of claims; and, one page of abstract) as part of the application papers 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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Paper No.

LEE & MORSE, P.C.
Attorneys and Counselors at Law
SUITE 500
3141 FAIRVIEW PARK DRIVE
FALLS CHURCH VA 22042

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	DECISION ON PETITION
Application No. 11/727,162	:	
Filed: March 23, 2007	:	
Attorney Docket No. 304/024	:	

This is in response to the RESPONSE TO "Notice to File Missing Parts of Nonprovisional Application/FORMALITIES LETTER and PETITION FOR ORIGINAL DATE OF DEPOSIT filed June 8, 2007, which is properly considered as a petition under § 1.53(e)(2). Petitioners request that the Office accord the above-identified application a filing date of March 23, 2007, with figure(s) 2A-B considered part of the original application disclosure.

Application papers in the above-identified application were deposited on March 23, 2007. However, on April 18, 2007, the Office of Initial Patent Examination mailed applicants a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had been accorded a filing date; however, figure(s) 2A-B described in the specification appeared to have been omitted from the application. (In addition, the statutory basic filing fee and a signed oath or declaration were missing).

In response, applicants filed the instant petition (and petition fee)(including the missing fees, an executed declaration and the required late surcharge). Applicants submit that the application as originally filed on March 23, 2007, contained five (5) sheets of formal drawings depicting Figures 1, 2A, 2B, 3A, 3B, 3C, 3D, 4 and 5. In support thereof, applicants submit

a copy of the original receipt bearing the official OIPE/USPTO date stamp. The petition also includes a complete duplicate set of the originally-submitted drawings.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on March 23, 2007, and the items filed therewith were assigned Application No. 11/727162; 2) it specifically identifies the items being filed, including "__5__ Sheets Drawing (depicting Figures _1-5)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted including 5 sheets of drawings were filed on March 23, 2007.

The application papers already considered received in the Office on March 23, 2007, were reviewed along with drawing sheet containing figure(s) 2A-B submitted on petition. These papers together constitute the items described on the postcard receipt as "__5__ Sheets Drawing (depicting Figures _1-5)." It is concluded that petitioner has shown that Figures 2A-B were among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to petitioner's Deposit Account, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of March 23, 2007 using the application papers received in the Office and presently accorded that date; and figures 2A-B re-supplied on petition filed June 8, 2007; and

- for indication in Office records, as appropriate, that 5 sheets of drawings (including figures 2A-B) were present in the application on filing.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

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MAY 29 2008

OFFICE OF PETITIONS

In re Application of
Irene EIJGENDAAL et al.
Application No. 11/727,173
Filed: March 23, 2007
Attorney Docket No. 01975.0089-01

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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 37 CFR 1.136 were filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, the application became abandoned on June 12, 2007. The date of abandonment of November 11, 2007 as stated in the petition is incorrect since no extensions of time under 37 CFR 1.136 were timely obtained.

Since the $2,230 extension of time fee submitted with the petition on February 14, 2008, was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address:
Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply that includes the basic filing fee and a declaration with the late filing fee, (2) the petition fee of $1,540, and (3) a proper statement of unintentional delay.

The due date referred to in the petitioner's statement of unintentional delay has been construed as referring to June 11, 2007. 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 Ramesh Krishnamurthy at (571) 272 - 4914.

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

David Bucci
Petitions Examiner
Office of Petitions

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Paper No.

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JAN 07 2008

OFFICE OF PETITIONS

KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

In re Application of	:	
Emrah Ozkan, Ibraz Anwar, Nancy	:	
Dube, and Ingrid Lustig	:	DECISION ON
Application No. 11/727,174	:	PETITION UNDER
Filed: March 23, 2007	:	37 C.F.R. § 1.47(A)
Attorney Docket No. HTU-0002	:	
Title: SUBSCRIBER MANAGEMENT	:	
SYSTEM AND METHOD	:	

This is in response to the petition submitted on October 10, 2007, under 37 C.F.R. § 1.47(a)[1].

On March 23, 2007, the application was deposited, identifying Emrah Ozkan, Ibraz Anwar, Nancy Dube, and Ingrid Lustig as joint

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1 A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

inventors. On April 10, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring, *inter alia*, an executed oath or declaration in compliance with 37 C.F.R. § 1.63 and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

With the present petition, Petitioner has submitted, *inter alia*, a declaration that has been executed by each of the joint inventors save Ibraz Anwar, and the surcharge associated with the late submission of the same, a portion of the petition fee[2], the last-known address for non-signing joint inventor Ibraz Anwar, and proof that a complete copy of the application was sent to this address.

Petitioner has met requirements (1) - (3) and (5) of Rule § 1.47(a).

Regarding the fourth requirement of Rule § 1.47(a), Petitioner mailed a letter to the last known address of Ibraz Anwar, and this mailing was not deliverable. Moreover, both the residential and mobile telephone numbers that Petitioner has for Ibraz Anwar have since been assigned to other parties.

As such, it is clear that Petitioner has actual knowledge that the non-signing inventor does not reside at the last known address, however it <u>does not appear that Petitioner has made any effort to locate this individual</u>.

Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send <u>the complete application papers</u> to that address for consideration by the inventor[3]. Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If it is then averred that such attempts failed, then applicant will have provided the necessary proof required pursuant to 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an <u>affidavit or</u>

---

2 The remainder of the petition fee has been charged to Petitioner's Deposit Account, as authorized in the petition.
3 <u>See</u> MPEP § 409.03(d).

declaration of facts by a person with first hand knowledge of the details.

As such, this petition under 37 C.F.R. § 1.47(a) must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision.

Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)".

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

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[6]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[7].

On renewed petition, Petitioner must attempt to locate the non-signing inventor, as Petitioner has actual knowledge that the last known address is invalid. If Petitioner is able to locate this individual, he must send a complete copy of the application to that address and provide this individual with an appropriate period of time to respond before filing a renewed petition.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[8]. All other inquiries

---

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

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JUN 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Emrah Ozkan, Ibraz Anwar, Nancy	:	
Dube, and Ingrid Lustig	:	DECISION ON
Application No. 11/727,174	:	RENEWED PETITION PURSUANT
Filed: March 23, 2007	:	TO 37 C.F.R. § 1.47(A)
Attorney Docket No. HTU-0002	:	
Title: SUBSCRIBER MANAGEMENT	:	
SYSTEM AND METHOD	:	

This is in response to the renewed petition submitted on May 7, 2008, pursuant to 37 C.F.R. § 1.47(a)[1].

---

1 A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

This renewed petition is **DISMISSED**.

Receipt of the two-month extension of time, so as to make this submission timely, is acknowledged.

On March 23, 2007, the application was deposited, identifying Emrah Ozkan, Ibraz Anwar, Nancy Dube, and Ingrid Lustig as joint inventors. On April 10, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring, *inter alia*, an executed oath or declaration in compliance with 37 C.F.R. § 1.63 and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

An original petition was submitted on October 10, 2007, along with *inter alia*, a declaration that had been executed by each of the joint inventors save Ibraz Anwar and the surcharge associated with the late submission of the same, a portion of the petition fee[2], the last-known address for non-signing joint inventor Ibraz Anwar, and proof that a complete copy of the application was sent to this address.

The original petition was dismissed via the mailing of a decision on January 7, 2008, which indicated that Petitioner had met requirements (1) - (3) and (5) of Rule 1.47(a). Regarding the fourth requirement, the decision indicated:

> ...Petitioner has actual knowledge that the non-signing inventor does not reside at the last known address, however it <u>does not appear that Petitioner has made any effort to locate this individual</u>.
>
> Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send <u>the complete application papers</u> to that address for consideration by the inventor[3]. Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If it is then averred that such attempts failed, then applicant will have provided the necessary proof required pursuant to 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-

2 The remainder of the petition fee was charged to Petitioner's Deposit Account, as authorized in the petition.
3 <u>See</u> MPEP § 409.03(d).

> signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.
>
> (emphasis included)

With this renewed petition, Petitioner has indicated that he performed an online search for the non-singing inventor, which resulted in 3 addresses - the last known address in Ashburn, VA, an address in New York City, and an address in Leesburg, VA.

It is noted that the Ashburn address is the previously indicated last-known address, and the Leesburg address is similar to the address that appears on the declaration.

In the original petition, it was established that the Ashburn address is not valid. With this renewed petition, Petitioner has set forth that letters were sent to the New York City and the Leesburg addresses, and that the certified mail receipt indicates that the "letter could not be successfully delivered to the New York address[4]." Petitioner has further indicated that the letter that was sent to Leesburg was received, but no response has been forthcoming.

As such, it appears that Petitioner has discovered that the last-known address of the non-signing inventor is the Leesburg address, however it does not appear that a complete copy of the application was sent to that address.

Rule 47 applicant is required to present the inventor with a copy of the entire application.

One cannot refuse to sign something which one has not been presented with. 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. It is reasonable to require that the inventor be presented with the application papers before a petition pursuant to 37 C.F.R. § 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed[5].

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4 Renewed petition, page 2. It is noted that tracking information on the USPS website indicates that this letter was delivered at 8:15 AM on May 2, 2008 in Chantilly, VA.

5 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Before filing the renewed petition, Petitioner should mail a complete copy of the application to the last known residential address of the non-signing joint inventor, and provide him with a reasonable period of time to respond. **A statement should be provided from the individual having firsthand knowledge of this mailing.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision.

Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[6], hand-delivery[7], or facsimile[8]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[9].

On second renewed petition, Petitioner must attempt to locate the non-signing inventor, as Petitioner has actual knowledge that the last known address is invalid. If Petitioner is able to locate this individual, he must send a complete copy of the application to that address and provide this individual with an appropriate period of time to respond before filing a renewed petition.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[10]. All other inquiries

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6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

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SEP 26 2008

OFFICE OF PETITIONS

KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

In re Application of	:	
Emrah Ozkan, Ibraz Anwar, Nancy	:	
Dube, and Ingrid Lustig	:	DECISION NOTING JOINDER AND
Application No. 11/727,174	:	DISMISSING SECOND RENEWED
Filed: March 23, 2007	:	PETITION PURSUANT TO 37
Attorney Docket No. HTU-0002	:	C.F.R. § 1.47(A) AS MOOT
Title: SUBSCRIBER MANAGEMENT	:	
SYSTEM AND METHOD	:	

This is in response to the second renewed petition submitted on pursuant to 37 C.F.R. § 1.47(a).

On March 23, 2007, the application was deposited, identifying Emrah Ozkan, Ibraz Anwar, Nancy Dube, and Ingrid Lustig as joint inventors. On April 10, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring, *inter alia*, an executed oath or declaration in compliance with 37 C.F.R. § 1.63 and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the

petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);

(3) a statement of the last known address of the non-signing inventors;

(4) either

a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or

b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;

(5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition was submitted on October 10, 2007, which was dismissed via the mailing of a decision on January 7, 2008, which indicated that Petitioner had met requirements (1) - (3) and (5) of Rule 1.47(a).

A renewed petition was filed on May 7, 2008, which was dismissed via the mailing of a decision on June 16, 2008, for again failing to meet requirement (4) of Rule 1.47(a).

With this second renewed petition, Petitioner has included an acceptable declaration that has been executed by formerly non-signing joint inventor Anwar.

As such, this second renewed petition is **DISMISSED AS MOOT**.

In view of the joinder of the joint inventor, further consideration under 37 C.F.R. § 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 C.F.R. § 1.47(a).

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of
Frank Mitchell Stephens et al.
Application No. 11/727,204
Filed: March 23, 2007
Attorney Docket No.: 039280-101

: DECISION GRANTING PETITION

This is a decision on the petition filed June 18, 2007, in response to the "Notice to File Missing Parts" mailed April 18, 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 Figures 147 and 148 as described in the specification, appeared to have been omitted.

Petitioner asserts that Figures 147 and 148 were 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 74 sheets of drawings (Figures 1-148) and bears a United States Patent and Trademark Office date-stamp of March 23, 2007. However, only seventy-three (73) sheets of drawing figures is of record. It is obvious therefore that Figures 147 and 148 were included and as the postcard receipt lacks any notation of non-receipt of any items listed, the petition is **GRANTED.**

Given the basis for granting the petition, no petition fee is due. Petitioner's deposit account no. 19-2380 will be credited in the amount of $130.00. Petitioners are advised further that if in fact a petition fee had been required, the fee for a petition under 37 CFR 1.182 is set at $400.00, not $130.00 as indicated by petitioner.

This matter will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on May 10, 2006 and Figure 16 submitted on petition July 17, 2006.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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FREDERICK BAILEY
11317 NANCYANN WAY
FAIRFAX, VA 22030

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MAR 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Dalton PONT	:	
Application No. 11/727,235	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW
Attorney Docket No. CTI-0001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 30, 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 Frederick D. Bailey the sole attorney of record.

Frederick D. Bailey has 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 inventor at the first copied address below until otherwise properly notified by the applicant.

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

There are no outstanding Office actions pending at the present time.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DALTON PONT
20675 BROADWATER CT.
STERLING, VA 20165

JOESPH E. FERGUS,
CEO, COMMUNICATION TECHNOLOGIES, INC.
14151 NEWBROOK DRIVE, SUITE 400
CHANTILLY, VA 20151

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FREDERICK BAILEY
11317 NANCYANN WAY
FAIRFAX VA 22030

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FEB 28 2008

OFFICE OF PETITIONS

In re Application of	:	
VLANJIC, Milan et al.	:	
Application No. 11/727,236	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW
Attorney Docket No. **CTI-0002**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 30, 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 Frederick D. Bailey, the sole attorney of record. Frederick Bailey has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MILAN VLANJIC**
9428 ELGER MILL RD.
MONTGOMERY VILLAGE, MD 20886

cc: **JOSEPH E. FERGUS, CEO.**
COMMUNICATION TECHNOLOGIES, INC.
14151 NEWBROOK DRIVE
SUITE 400
CHANTILLY, VA 20151

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FEB 19 2008

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

In re Application of		
Bavetsias, et al.	:	
Application No. 11/727,242	:	DECISION ON PETITION
Filed/Deposited: 26 March, 2007	:	
Attorney Docket No. LCM-604-805	:	

This is a decision on the petition filed on 20 April, 2007, resubmitted on 26 September, 2007, and considered under 37 C.F.R. §1.53.

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

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

BACKGROUND

The instant application was deposited on 26 March, 2007.

On 16 April, 2007, , the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (to wit: "[t]he specification is missing *** [a] complete specification as prescribed by 35 U.S.C. §112 is required[,]" and thus, the application had not been accorded a filing date.

OIPE indicated that Petitioner might:

- contend via petition that a complete specification (description, claims, abstract) had been

submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification as averred to have been deposited; or

- submit the omitted pages and accept the date of submission as the filing date.

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

It appears that Petitioner did neither.

On 20 April, 2007, Petitioner submitted the instant petition, averred that a complete specification had been submitted, and attempted to so demonstrate with a copy of a date-stamped receipt card. Petitioner, however, failed to provide a copy of the complete specification that he averred was caused to be deposited on 26 March, 2007.

Thus, it is impossible to test Petitioner's averment against—or evidence Petitioners averment with—the complete specification averred to have been submitted in the absence of that complete specification.

As Petitioner may note upon review of the application in Private PAIR, the specification in the record as of date of deposit reflects only one (1) page of preliminary amendment, one (1) page of specification, six (6) pages of claims and one (1) page of remarks as contrasted with the 46 pages Petitioner avers to have been deposited on filing. Nonetheless, Petitioner appears to have chosen not to present the complete specification—with the pages presently missing from the record—and complete his showing in support of his petition.

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 should note that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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

ANALYSIS

A search of the official file reveals that:

- on 26 March, 2007, Petitioner deposited the instant application;
- the Office record reflects that on deposit the specification was missing, and a complete specification as prescribed by 35 U.S.C. §112 is required on deposit and , thus, the application had not been accorded a filing date.
- on 20 April, 2007, Petitioner submitted the instant petition and included therewith was is averred to be a true copy of the date-stamped ("MAR 26 2007") receipt card and the document recites therein in pertinent part:

***

46 Pages Specification, Claims & Abstract
11 Claims; 0 Sheets of Drawings (Figs.)

***

- however, in the absence of a complete specification to be supplied by Petitioner, the record contains no information as to the manner in which Petitioner avers the record is to be completed.

CONCLUSION

The petition is **dismissed without prejudice**.

Petitioner may seek within two (2) months of the date of this decision to make a complete showing in support of his averment; however, in the absence of such a showing there is no complete indication that the petition was prompted by error of the Office, and the fee is not waived as of this writing.

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

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

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

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

2 The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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SEP 29 2008
OFFICE OF PETITIONS

In re Application of	:	
Bavetsias, et al.	:	
Application No. 11/727,242	:	DECISION
Filed/Deposited: 26 March, 2007	:	
Attorney Docket No. LCM-604-805	:	

This is a decision on the petition filed on 21 March, 2008, seeking a filing date of 26 March, 2007, for the application, and properly considered under 37 C.F.R. §1.53.

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

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

BACKGROUND

The instant application was deposited on 26 March, 2007.

On 16 April, 2007, , the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (to wit: "[t]he specification is missing *** [a] complete specification as prescribed by 35 U.S.C. §112 is required[,]" and thus, the application had not been accorded a filing date.

OPAP indicated that Petitioner might:

- contend via petition that a complete specification (description, claims, abstract) had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification as averred to have been deposited; or

- submit the omitted pages and accept the date of submission as the filing date.

It appears that Petitioner chose neither alternative offered by OPAP.

On 20 April, 2007, Petitioner submitted the original petition, averred that a complete specification had been submitted, and attempted to so demonstrate with a copy of a date-stamped receipt card. Petitioner, however, failed to provide a copy of the complete specification that he averred was caused to be deposited on 26 March, 2007. Thus, it was impossible to test Petitioner's averment against—or evidence Petitioners averment with—the complete specification averred to have been submitted in the absence of that complete specification. (Petitioner might note upon review of the application in Private PAIR, the specification in the record as of date of deposit reflects only one (1) page of preliminary amendment, one (1) page of specification, six (6) pages of claims and one (1) page of remarks as contrasted with the 46 pages Petitioner avers to have been deposited on filing. Nonetheless, Petitioner chose not to present the complete specification—with the pages missing from the record—and complete his showing in support of his petition.) Thus the petition was dismissed on 19 February, 2008.

The instant petition was filed on 21 March, 2008, and therewith Petitioner submitted, *inter alia*, a copy of:

- 46 pages of specification in the form of a coversheet and 45 enumerated page of a published International Application No. PCT/GB/02/03979 (as also identified in the claim for priority in the preliminary amendment)
- A date-stamped ("MAR 26 2007") receipt card.

ANALYSIS

A search of the official file reveals that:

- on 26 March, 2007, Petitioner deposited the instant application;

- the Office record reflects that on deposit the specification was missing, and a complete specification as prescribed by 35 U.S.C. §112 is required on deposit and , thus, the application had not been accorded a filing date.

- on 20 April, 2007, Petitioner submitted the instant petition and included therewith was is averred to be a true copy of the date-stamped ("MAR 26 2007") receipt card and the document recites therein in pertinent part:

***

46 Pages Specification, Claims & Abstract

11 Claims; 0 Sheets of Drawings (Figs.)
***
X Preliminary Amendment
***

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application, including 46 pages of specification (description, claims and abstract), with no duplicates, and methods claims, was deposited with the Office on 26 March, 2007, and the 46 pages of the specification (description, claims, abstract) subsequently were misplaced in the Office.

Accordingly, the application, including 46 pages of specification (description, claims and abstract) and method claims, and with the preliminary amendment are entitled to a filing date of 26 March, 2007.

The Notice mailed on 16 April, 2007, was sent in error to the extent that it reflected the omission of the 46 pages of specification (description, claims, abstract), and is hereby **vacated** to the extent that it stated that the application received no filing date because the application was filed without the specification (description, claims, abstract).

CONCLUSION

The petition is **granted**; the petition fee waived and is being refunded *via* Deposit Account 16-0750—should Petitioner later find that a fee was not refunded, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 26 March, 2007, for the entire application including 46 pages of specification (description, claims and abstract) and method claims, and preliminary amendment with pages coversheet plus 1 - 45 of the specification (description, claims, abstract), and method claims, using:

- **the preliminary amendment of the specification (description, claims abstract) and method claims deposited on 26 March, 2007; and**
- **pages coversheet plus 1 – 45 of the specification (description, claims, abstract) deposited on 21 March, 2008; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 26 March, 2007, and reflecting therein that 46 pages of specification (description and claims) and method claims were present on filing.

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

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

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

§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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LEE & MORSE, PC
3141 FAIRVIEW PARK DRIVE, SUITE 500
FALLS CHURCH, VA 22042

MAILED

JUL 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Ji-Suk KIM.	:	
Application No. 11/727,286	:	DECISION GRANTING PETITION
Filed: March 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.**302/072**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 15, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 23, 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 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JUL 16 2010

OFFICE OF PETITIONS

In re Application of
Dusic KWAK
Application No. 11/727,292
Filed: March 26, 2007
Attorney Docket No. KWAK-003-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 May 18, 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.

In this regard, a review of the file record indicates that Christopher J. Maier 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 be directed to the address indicated above until otherwise notified by applicant.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/727,314	03/26/2007	David J. Alcoe	EI-2-07-002	1656

41245 7590 06/30/2010
Mark Levy
HINMAN, HOWARD & KATTELL, LLP
80 Exchange Street
P.O. Box 5250
BINGHAMTON, NY 13901

EXAMINER
STOWE, SCOTT C

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
06/30/2010	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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark Levy
HINMAN, HOWARD & KATTELL, LLP
80 Exchange Street
P.O. Box 5250
BINGHAMTON, NY 13901

In re Application of ALCOE ET AL. Appl. No.: 11/727,314 Filed: March 26, 2007 For: FLEXIBLE CIRCUIT ELECTRONIC PACKAGE WITH STANDOFFS	DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

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

An Final Rejection was mailed on December 11, 2009. Applicant responded after final on February 17, 2010 with an amendment which examiner could not enter because the claims required further search and consideration. On March 10, 2010, applicant filed an RCE which was mistakenly placed in another case (S.N. 11/110920). Examiner sent out an Notice of Abandonment on June 23, 2010.

Since the RCE was filed timely, the application was improperly held abandoned on June 23, 2010.

Although no petition or request to withdraw the holding of abandonment has been filed, the Notice of Abandonment of June 23, 2010 is hereby vacated, the holding of abandonment withdrawn and the application restored to its with the RCE filed on March 10, 2010 to be processed.

Any inquiry regarding this decision should be directed to Sue Purvis, Supervisory Patent Examiner, at (571) 272-1236.

Edward Lefkowitz
Acting Director
Patent Examining Technology Center 2800

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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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OCT 3 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Dapeng David Zhang, et al.	:	
Application No. 11/727,315	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW
Attorney Docket No. IP-350A	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

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, ***currently leaving employment position of which I was in-house attorney***, do not meet any the conditions set forth in 37 CFR 10.40.

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

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

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.
11/727,326	03/26/2007	Katsuhiko Yamazaki	132027	1141

7590 04/09/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
04/09/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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JUAN CARLOS A. MARQUEZ
C/O STITES & HARBISON, PLLC
1199 NORTH FARIFAX STREET
SUITE 900
ALEXANDRIA, VA 22314-1437

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FEB 12 2010

In re Application of	:	
Jian-Ren Chen, et al.	:	
Application No. 11/727,346	:	DECISION GRANTING PETITION
Filed: March 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 46884-5540 (234124)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 11, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 27, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

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

Mail Date: 04/30/2010

Applicant	: Katsumi Takehara	: DECISION ON REQUEST FOR
Patent Number	: 7613210	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/727,405	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **438** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

In re Application of
JEON, BYEONG MOON :
Application No. 11/727,417 : DECISION ON REQUEST
Filed: March 26, 2007 :
For: **METHOD FOR PREDICTING A BI-PREDICTIVE BLOCK OF A MOVING PICTURE** :

This is a decision on the request for continued suspension of action under 37 C.F.R. § 1.103(a) filed February 25, 2010.

Applicants request a second period of suspension for 6 months. The reason for the request is the Applicants have not received a decision in the appeal for Application No. 10/335,331 ('331 application). As stated in Applicants' previous Petition to Suspend, the art cited against the claims in the subject application is the same as art cited against the claims in the '331 application. The claims include at least one feature commensurate in scope with at least one feature claimed in the '331 application. Furthermore, this feature forms at least one basis for arguing patentability in the Appeal of the '331 application. As such, the outcome of the Appeal in the '331 application may be dispositive of patentability in the subject application.

37 C.F.R. § 1.103 Suspension of action by the Office, states in part:

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension **not exceeding six months**. Any petition for suspension of action under this paragraph must also include:

(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.
[emphasis added]

709 [R-2] Suspension of Action, states in part:...

Suspension of action under 37 CFR 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR 1.704(c)(1).

Pursuant to applicant's request, suspension on this application is **GRANTED**. Ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Wanda Walker, Director
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/727,434	03/27/2007	Masahiro Makino	MNL-2018-1655	3152

7590 07/22/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
LUONG, VINH

ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
07/22/2009	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.

Tomi Funes

Patent Publication Branch
Office of Data Management

Refund Ref:
07/22/2009 0030072513

Credit Card Refund Total: $500.00

Ac Exp..: XXXXXXXXXXX2021

Adjustment date: 07/22/2009 NFARMER
03/28/2007 SZEWDIE1 00000006 11727434
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of MIYATA, MASAHIKO Application No. 11/727,510 Filed: March 27, 2007 Attorney Docket No. 132030	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

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

The request and petition are **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.

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

Mail Date: 04/21/2010

Applicant	: Hiroki Ikeda	: DECISION ON REQUEST FOR
Patent Number	: 7639905	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/727,511	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **442** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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Applicant: Lagrange
Appl. No.: 11/727,532
Filing Date: March 27, 2007
Title: DYE COMPOSITION COMPRISING AT LEAST ONE CATIONIC HYDROZONE DIRECT DYE, DYEING PROCESS; MULTI COMPARTMENT DEVICES
Attorney Docket No.: 0575-1636-00000
Pub. No.: US 2007/0234487 A1
Pub. Date: October 11, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 17, 2007, for the above-identified application

Applicant requests that the application be republished because the patent application publication contains material errors wherein page one of the specification was omitted from publication.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

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

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

Mail Date: 04/20/2010

Applicant	: Sam Shiaw-Shiang Jiang	: DECISION ON REQUEST FOR
Patent Number	: 7646746	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/727,566	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **540** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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DEC 10 2008

Applicant: Zalud
Appl. No.: 11/727,576
Filing Date: March 27, 2007
Title: SPARK PLUG AND METHOD OF SECURING THE MUTUAL POSITIONING OF THE BODY OF THE CERAMIC INSULATOR WITH THROUGH CENTRAL ELECTRODE AND THE THERMALLY AND ELECTRICALLY CONDUCTIVE CASING WITH LATERAL ELECTRODE OF THE SPARK PLUG
Attorney Docket: 1022500-000033
Pub. No.: US 2008/0079344 A1
Pub. Date: April 3, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 30, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the claim contains a typographical error, stating an angle of "600" rather than "60°" as set forth in the original disclosure.

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**

[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).

> **not an Office error**. See MPEP § 1121. For example, applicants should not file 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 "at an angle of 40 to 600." The specification, at page 1, recites the phrase "at an angle of 40 to 60°." While the claim erroneously presents the maximum angle with a typographical error of "600" rather than "60°", the specification presents the correct maximum angle. As angles must be described in units such as degrees, 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.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

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Albuquerque Engineer District
ATTN: CESPA-OC
4101 Jefferson Pl. NE
Albuquerque, NM 87109-3434

Mail Date: 04/20/2010

Applicant	: Michael K. McInerney	: DECISION ON REQUEST FOR
Patent Number	: 7614303	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/727,600	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **338** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/9/09 **Paper No.:** —

TO SPE OF : ART UNIT 3612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/787612 Patent No.: 7431382 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

Thank You For Your Assistance

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

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

Comments: _____

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE

3612
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HUMPHREYS ENGINEER CENTER SUPPORT ACTIVITY
ATTN: CEHEC-OC
7701 TELEGRAPH ROAD
ALEXANDRIA VA 22315-3860

COPY MAILED

JUN 04 2008

OFFICE OF PETITIONS

In re Application of :
Marsh, et al. :
Application No. 11/727,619 :
Filed: March 22, 2007 :
Attorney Docket No. COE-585DIV :
For: ON-GRADE BARRIER AND METHOD OF ITS USE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed February 20, 2008, requesting revival of the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any reconsideration petition 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 "Petition under 37 CFR 1.137(a)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contended that this application became abandoned on January 26, 2008, for failure to submit the issue fee and publication fee by January 25, 2008, as was required by the October 25, 2007 Notice of Allowance and Fee(s) Due. A Notice of Abandonment was mailed on February 20, 2008.

On October 29, 2007 applicants filed a PTOL-85(b) fee transmittal via facsimile. Applicants authorized the Office to charge all required fees to applicants' deposit account. However, through inadvertent mistake, the PTOL-85(b) did not list the application number, the filing date, the first named inventor, and the attorney docket number. As a result, the PTOL-85(b) was not matched with this application file.

Petitioners assert the abandonment of this application was unavoidable.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in

§ 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

This petition does not satisfy requirement (3).

With respect to (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable". 35 U.S.C. § 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term '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"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 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 to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

The showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). *See* MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

Per MPEP 502: All correspondence related to a national patent application already filed with the U.S. Patent and Trademark Office must include the identification of the application number or the serial number and the filing date assigned to the application by the Office. Any correspondence not containing the proper identification set forth in 37 CFR 1.5(a) will be returned to the sender by OIPE. Each paper should be inspected to assure that the papers being returned contain either an "Office Date" stamp or a TC date stamp. A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number. The failure to give any application number is not a minor error. The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given.

As stated above, "...The failure to give any application number is not a minor error." Applicants failed to give sufficient and mandatory identifiers when transmitting the PTOL-85(b). As a result, the correspondence was not matched with this application.

Practitioner did not act as a reasonable and prudent person with respect to his most important business when he failed to properly identify the application for which the issue fee was being paid. As such, the delay was not unavoidable.

ALTERNATIVE VENUE

Petitioners should strongly consider filing a petition under 37 CFR 1.137(b).

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 an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (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 require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

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 petitioners 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
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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.
11/727,659	03/27/2007	Hiroshi Endo	062667A	3011

7590 03/26/2009
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
3729	

MAIL DATE	DELIVERY MODE
03/26/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/27/2009 BPOWELL
06/14/2007 MAHMEDI 00000033 11727659
02 FC:1111 -500.00 OP

Adjustment Date: 03/27/2009 BPOWELL
10/24/2007 MAHMEDI 00000073 220261 11976268
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

Realp. Ref: 03/27/2009 BPOWELL 0015564900
DA#:502866 Name/Number:11727659
FC: 9204 $500.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : 7,395,817 B2
Serial No. : 11/727,862
Inventor(s) : Fujishiro et al.
Issued : July 8, 2008
Title : **EVAPORATED FUEL ADSORBING APPARATUS**
Docket No. : **131244**
Re: Request for Reconsideration

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

A petition under 37 CFR 3.81 must be filed and granted to fulfill your request, to date, there is no petition on record to consider your request.

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

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

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

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

Applicant has not included items B and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100), which has been received.

A certificate of correction will be issued to correct error in item (73) Assignee.

Ernest C. White, ***LIE***
For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) **308-9390 x 122**

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

ecw

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

MAILED

JUN 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,395,817	:	
Issue Date: July 8, 2008	:	
Application No. 11/727,862	:	ON PETITION
Filed: March 28, 2007	:	
Attorney Docket No. 131244	:	

This is a decision on the petition filed February 3, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Corrections Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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.
11/727,909	03/29/2007	Alangudi Sankaranarayanan	Q100248	5541

23373 7590 04/07/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
MORRIS, PATRICIA L

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
04/07/2010	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APR 0 7 2010

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

In re Application of: A. SANKARANARAYANAN
Serial No.: 11/727,909

Filed: March 29, 2007
Docket: Q100248

DECISION ON PETITION
UNDER 37 C.F.R. § 1.144

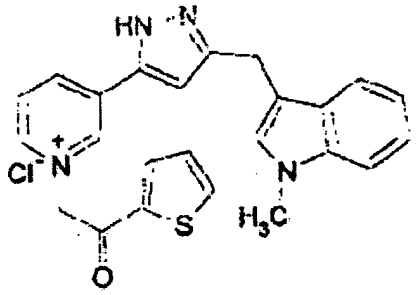
This letter is in response to the Petition under 37 C.F.R. 1.144 filed on January 13, 2010.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice.

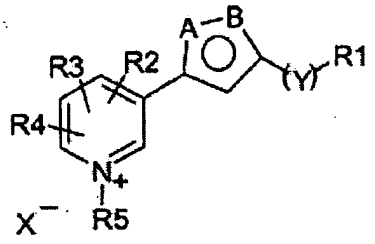
A Restriction Requirement and a requirement for an election of species was set forth by the examiner November 8, 2007.

Applicant elected the compounds of Group I and the species yy) of claim 9 which is 1-(2-thien-2'yl-oxoethyl)-3[3-(N-methyl-indole-3-yl methyl)pyrazol-5-yl]pyridinium chloride which applicant indicates has the structure shown below.



Applicant amended claim 9 to encompass only compounds b), c), e), j), p), mm)-pp), tt), yy), aaa), ccc), and ddd). The structures of the compounds of claim 9 are shown in the appendix of this decision.

In the Office Action of March 6, 2008 the examiner stated:



(I)

> This application has been examined with regard to the elect species and expanded to include a genus wherein A and B represent NH, NR_6, R_1- R_4, R_6 and R_8- R_{10} represent nonheterocyclic groups, R_5 represents CO-thienyl and non-heterocyclic groups, R_7 represents an indole and Y, X as set forth in claim 1 exclusively. All additional heterocycles and heterocyclic substituents pertain to nonelected subject matter.

The examiner did not provide any indication that the compounds of claim 9 had been searched in the extended search nor did the examiner provide any explanation as to how the proposed genus was arrived at nor where in the claims and specification as originally filed there exists written description of the proposed genus.

In the response of August 28, 2008 applicant states:

> Applicants respectfully submit that the subgenus formed by the Examiner as set forth above does not include the elected compound.

Applicant refers to an interview of June 17, 2008 and has supplied a summary thereof for which there is no Interview Summary Record in the file history.

Applicant states:

> During a telephone interview the Examiner maintained that despite ay alleged errors or inconsistencies in the genus identified at page 2 of the Action dated March 6, 2008, she did examine the elected compound and sufficiently expanded the search.
>
> In this regard, Applicants have amended the claims herein by limiting formula (I) to a genus believed to be consistent with the elected species. Specifically, in formula (I) of the present claims, R_1 is heteroaralkyl, heterocycloalkyl or heteroaryl which may be further substituted as recited in the claims; R_2, R_3 R_4, R_5, R_8-R_{10} are non-heterocyclic groups as suggested by the Examiner; and R_6 and R_7 are as recited in the claims. Applicants note that in the elected species R1 is heteroaralkyl and Applicants believe that there is no extra burden for the Examiner to broaden the scope to at least heterocycloalkyl and heteroaryl. Further, Applicants note that R_7 of the elected species is heteroaryl (thienyl) and it would not be a burden on the Examiner to broaden the scope of examination.

In the Office Action of December 5, 2008 the Examiner states:

Applicants' summary of interview with the examiner filed on August 28, 2008 is acknowledged. In order to clarify the record, no formal interview with the examiner ever took place on June 17, 2008. The attorney left a voice message and the examiner returned a message by voice mail stating that the elected compound had indeed been searched and the search had already been extended to a genus encompassing the elected compounds.

Applicants allege that the examiner failed to examine the elected compounds. This is not correct. The variable R_7 was merely a typo and should have been R_1. Claim 1 is so vague that it is impossible to determine the extent of the claimed subject matter. The claim embraces all heterocyclic chemistry. It is too burdensome for the examiner to search all of the previously noted searches in their respective, completely divergent, areas for the non-elected subject matter, as well, in the limited time provided to search one invention. Applicants have already received an expansion of the genus. Further, the specification is non-enabling for the additional heterocyclic compounds.

This application has been examined with regard to the elected species and expanded to include a genus wherein A and B represent N, NH, NR R_6, R_1- R_4, R_7 and R_8- R_{10} represent nonheterocyclic groups, R_5 represents CH2COR^7 wherein R^7 non-heterocyclic groups, R_1 represents an (optionally substituted) indole and Y, X as set forth in claim 1 exclusively. All **additional heterocycles and heterocyclic substituents pertain to nonelected subject matter.**

In the response of May 5, 2009 Applicant continues to assert that the scope of R_1 and R_7 should be expanded. With respect to R_7 applicant points to Table 1 on pages 35-41 of the specification as support for including heterocyclic groups.

The Examiner issued an Office Action August 7, 2009 maintaining the proposed genus and stated:

Claim 1 is objected to as containing non-elected subject matter. The objection may be overcome by limiting the claim to the subject matter indicated as being examinable, supra. A claim so limited would appear allowable.

Claims 2-9, 11-14 and 68-71 presented in independent form and limiting the claims to the elected compounds or made dependent on an allowable claim, would appear allowable, otherwise it is objected to as being dependent on a non allowed claim.

DISCUSSION

The examiner has presented varying versions as to what compounds are considered part of the elected subject matter. The definition of R_1 has been changed from an indole to an optionally substituted indole without definition of what optional substitutions have been searched. Similarly, R_5 has been changed from CO-thienyl and non-heterocyclic group to CH2COR^7 wherein R^7 non-heterocyclic groups. The change in definition of R_5 now results in the compound originally elected as being outside the scope of the proposed genus. The examiner has failed to set forth the basis of the expanded search thereby rendering it difficult to determine what has actually been searched.

It is unclear how either the examiner or applicant can propose an allowable genus absent factual support in the application as originally filed. Such factual support includes not just recitation of possible structural elements but a concomitant functional correlation.

The examiner will provide applicant with a thorough explanation of the expanded search accompanied by a clear definition of the allowable genus of compounds in the next Office Action.

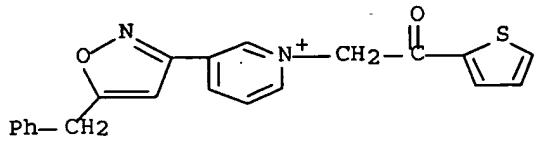
DECISION

The petition is **GRANTED** for the reasons set forth above.

Should there be any questions about this decision, please contact Quality Assurance Specialist Michael P. Woodward, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-8373 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Irem Yucel
Director, Technology Center 1600

APPENDIX



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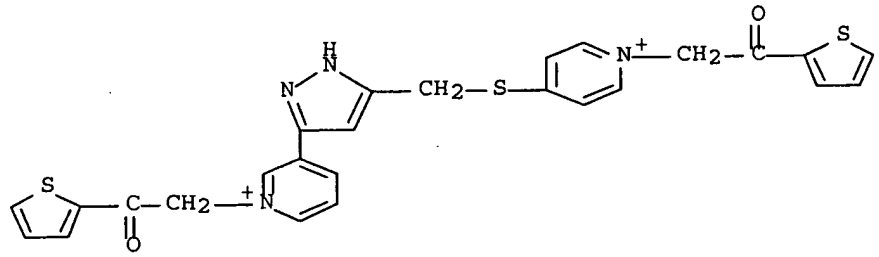
b)



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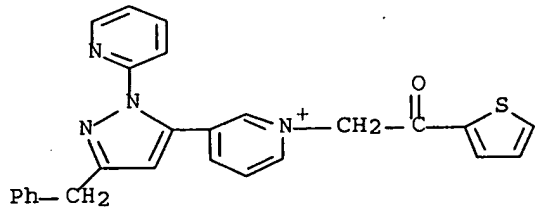

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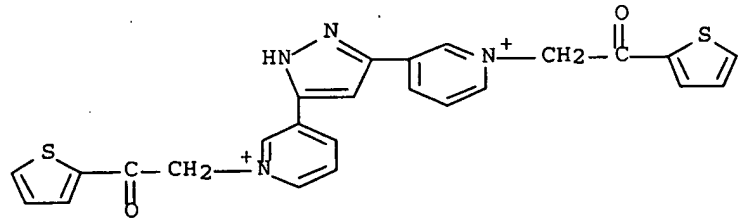
e)



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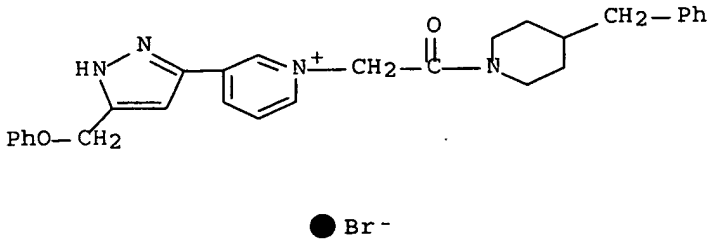
HN
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PhO— CH2
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CH2— Ph
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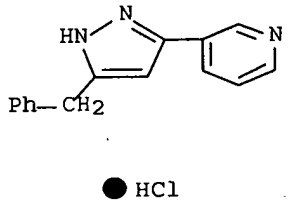
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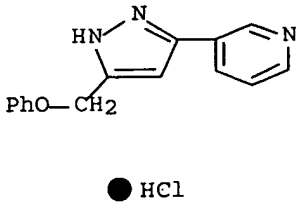
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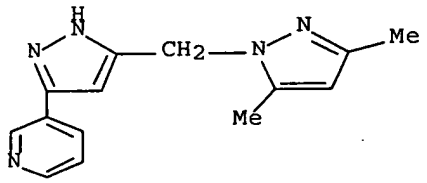
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CH2
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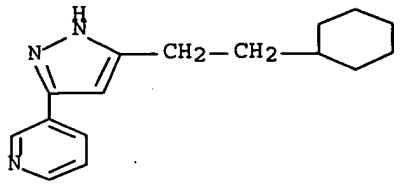

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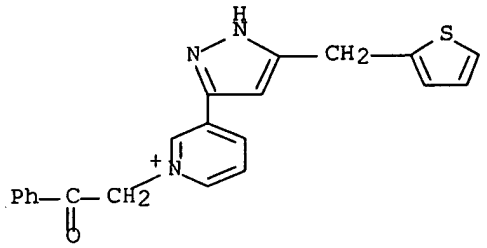

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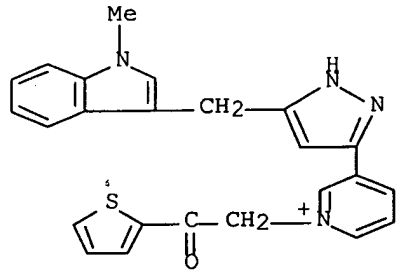
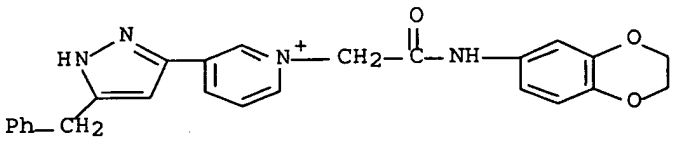


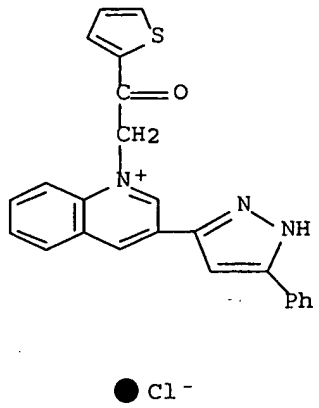
● Cl⁻

yy)

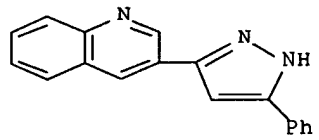


● Cl⁻

aaa)



ccc)



ddd)

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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	: 7654167	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/727,933	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Dascenzo Intellectual Property Law, P.C.
522 SW 5th Ave
Suite 925
Portland, OR 97204-2126

Mail Date: 04/21/2010

Applicant	: Mark J. Bergum	: DECISION ON REQUEST FOR
Patent Number	: 7621552	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/728,049	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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AGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Suhas N. Patil et al.	:	
Application No. 11/728,079	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 1384005US1AP	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 18, 2008.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 27542 has been revoked by the Assignee of the patent application on April 24, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: The Belles Group, P.C.
1518 Walnut Street
Suite 1706
Philadephia PA 19102

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Intell Corporation
c/o Intellevate, LLC
P.O. Box 52050
Minneapolis, MN 55402

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JUL 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Ting Zhong et al.	:	
Application No. 11/728,082	:	DECISION ON PETITION
Filed: March 23, 2007	:	
Attorney Docket No. P24706	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of 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 on January 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed oath or declaration, with the required fee of $130, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly the oath and declaration is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to 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 May 27, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: David L. Guglielmi
2111 NE 25th Avenue
Hillsboro, OR 97124

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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

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APR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Ramaz Katsarava et al	:	
Application No. 11/728,100	:	ON PETITION
Filed: March 22, 2007	:	
Attorney Docket No. MEDIV3030-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 20, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Three month (3) extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405 the submission required by 37 CFR 1.114; (2) the petition fee of $810 and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed February 12, 2010 submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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1279 OAKMEAD PARKWAY
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APR 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Guercioni	:	
Application No. 11/728,104	:	DECISION ON PETITION
Filed: March 22, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 8059P004	:	

This is a decision on the petition, filed March 11, 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 March 24, 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing 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 the undersigned at (571) 272-3230.

This application is being returned to Technology Center Art Unit 4115 to await response to the March 13, 2009 non-final Office action.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/728,104	03/22/2007	Sante Guercioni	8059P004

CONFIRMATION NO. 1230

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

NONPUBLICATION RESCISSION LETTER

OC000000035367497

Date Mailed: 04/07/2009

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".

/swbrantley/

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
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SUNNYVALE CA 94085-4040

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APR 2 2 2009

OFFICE OF PETITIONS

In re Application of Guercioni Application No. 11/728,105 Filed: March 22, 2007 Attorney Docket No. 8059P006	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed March 11, 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 March 24, 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing 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 the undersigned at (571) 272-3230.

This application is being returned to Technology Center Art Unit 4115 to await response to the March 13, 2009 non-final Office action.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/728,105	03/22/2007	Sante Guercioni	8059P006

CONFIRMATION NO. 1249

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

NONPUBLICATION RESCISSION LETTER

OC000000035389451

Date Mailed: 04/08/2009

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".

/swbrantley/

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

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MAR 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,480,987	:	
Issued: January 27, 2009	:	
Application No. 11/728,106	:	DECISION ON PETITION
Filed: March 22, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 8059P002	:	

This is a decision on the petition, filed March 11, 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 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 24, 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. Therefore, pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed to timely notify the USPTO of the filing of a counterpart 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(b) to accept an unintentionally delayed notification to the USPTO of the filing of a counterpart application in an eighteen-month publication country 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 as provided by 35 U.S.C. § 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

This application matured into Patent No. 7,480,987 on January 27, 2009. Therefore, no further action being required, this patented file is being forwarded to Files Repository.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/728,106	03/22/2007	Sante Guercioni	8059P002

CONFIRMATION NO. 1211

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

NONPUBLICATION RESCISSION LETTER

OC000000035121007

Date Mailed: 03/23/2009

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 07/02/2009.

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".

/ambrown/

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

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Sizhen YANG :
Application No. 11/728,132 : DECISION ON PETITION TO
Filed: March 23, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **249212043000** :

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 **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to MORRISON & FOERSTER, LLP has been revoked by the assignee of the patent application on 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 the undersigned at 571-272- 7253.

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

cc: **QUANTUM C/O WAGNER BLECHER, LLP**
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

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King & Spalding LLP
P.O. Box 889
Belmont, CA 94002-0889

Mail Date: 04/27/2010

Applicant	: Lorelie H. Villarete	: DECISION ON REQUEST FOR
Patent Number	: 7695710	: RECALCULATION of PATENT
Issue Date	: 04/13/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/728,133	: OF WYETH
Filed	: 03/23/2007	:
		:

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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LIPSITZ & MCALLISTER, LLC
755 MAIN STREET
MONROE, CT 06468

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MAY 29 2009

OFFICE OF PETITIONS

In re Application of :
Oliver Laing :
Application No. 11/728,179 : DECISION ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. HOEG-1043 :

This is a decision on the petition, filed May 8, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of October 22, 2008, which set a three (3) month shortened statutory period for reply. Three month (3) extension of time pursuant to the provisions of 37 CFR 1.36(a) was obtained. Accordingly, a reply was due on or before April 22, 2009.

Office record show a timely reply was mailed via certificate of mailing on April 16, 2009 and received on April 21, 2009, which included the following papers: Amendment; Transmittal letter; and three month (3) extension of time. Petitioner has submitted a copy of the previously mailed correspondence.

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 October 22, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 2837 for appropriate action in the normal course of business on the reply received on April 21, 2009 (certificate of mailing, April 16, 2009).

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

NOV 2 7 2007

In re Application of	:	
Michael Perlman et al	:	DECISION
Serial No.: 11/728,207	:	ON
Filed: June 14, 2007	:	PETITION
For: STETHOSCOPE CLEANING ASSEMBLY	:	UNDER 708.02, VI

This is in response to the petition filed June 14, 2007, requesting that the above identified application be granted Special Status under Section 708.02, VI of the MPEP and 37 CFR 1.102c.

The petition has been considered and found to comply with the requirements set forth under the above noted section. Accordingly, the petition is granted.

The petition to **GRANTED**.

William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering

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APR 08 2010

OFFICE OF PETITIONS

VIRTUAL LAW PARTNERS LLP
555 BRYANT STREET, SUITE 820
PALO ALTO CA 94301

In re Application of	:	
Arnold Oliphant	:	
Application No. 11/728,211	:	DECISION ON PETITION
Filed: March 22, 2007	:	
Attorney Docket No. OLIP.02.02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 3, 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 Restriction Requirement mailed May 11, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 12, 2009. A Notice of Abandonment was mailed December 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement, (2) the petition fee of $810.00 and (3) a proper 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, the address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 3711 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Dianna L. DeVore
475 N. Whisman Rd, Suite 400
Mountain View, CA 94043

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

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FEB 17 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Michael H. Jones :
Application No. 11/728,212 :
Filed: March 23, 2007 :
Attorney Docket No. 14875-068003 / C2-001PCT-

This is a decision on the petition, filed February 13, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 21, 2009 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 1644 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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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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OFFICE OF PETITIONS

In re Application of	:	
Kuan, et al.	:	
Filed: March 23, 2007	:	ON PETITION
Application No. 11/728,221	:	
Atty. Dkt. No.: 59531/C982	:	

This decision is in response to the petition to accord the above-identified application a filing date of March 23, 2007, filed June 11, 2007, with Figures 6 and 7 as part of the original disclosure of invention.

The application was filed March 23, 2007. The Notice mailed May 8, 2007 indicated, *inter alia*, that the application had been accorded a filing date but Figures 2 and 3 appeared to have been omitted from the application as filed.

In response, the petitioners argue that the application as deposited included seven sheets of the drawings that included Figures 6 and 7, and have presented as proof of mailing and proof of receipt of Figures 6 and 7 a return postcard date stamped by the Office on March 23, 2007. A copy of Figures 6 and 7 purportedly filed with the application was submitted herewith.

The original drawing sheets containing Figures 6 and 7 have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of March 23, 2007 is GRANTED.

Since the original drawing sheets containing Figures 6 and 7 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 23, 2007 with Figures 6 and 7 as part of the original 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : 7/22/10

TO SPE OF : ART UNIT: 3685 Attn: HEWITT II CALVIN L (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/728224 Patent No.: 7742995

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 Building (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Tasneem Siddiqui

Certificates of Correction Branch
703-756-1593

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: _____

SPE

3685
Art Unit

PAGE 2/2 * RCVD AT 7/22/2010 6:20:55 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/29 * DNIS:2709945 * CSID:703 308 3691 * DURATION (mm-ss):01-08

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

Mail Date: 04/20/2010

Applicant	: Chih-Ming Hung	: DECISION ON REQUEST FOR
Patent Number	: 7595968	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/728,230	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of :
Liang Hong et al :DECISION GRANTING FILING
Application No. 11/728,240 :DATE OF March 23, 2007
Filed: March 23, 2007 :
Attorney Docket No. 6565-78303-01 :

This is a decision on the petition under 37 CFR 1.10, filed April 24, 2007, requesting that the above-identified application be accorded a filing date of March 23, 2007, rather than the presently accorded date of March 24, 2007.

Petitioner alleges that the filing date of March 24, 2007 was due to an incorrect entry by the United States Postal Service (USPS). In support, petitioner has submitted a copy of the USPS Track & Confirm Search Results with Express Mail Label No. EV668454045US showing an acceptance date of March 23, 2007, in Portland, OR., (the same Express Mail receipt number found on the original application papers located in the official file).

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on March 23, 2007.

The petition is **granted**.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of **March 23, 2007,** and for the mailing of a corrected Filing Receipt.

Telephone inquiries specific to this decision on petition 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

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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED

JUL 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Yosi Tuval, et al.	:	
Application No. 11/728,253	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. 4529/99346	:	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 22, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not certified that hey have notified the client of any responses that may be due and the time frame within which the client must respond.

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. 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: YOSI TUVAL
16 MCDONALD STREET
NETANYA, IL 60565

UNITED STATES PATENT AND TRADEMARK OFFICE

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JEFFREY J. HOHENSHELL
710 MEDTRONIC PARKWAY
MINNEAPOLIS, MN 55432

MAILED

JAN 28 2010

OFFICE OF PETITIONS

In re Application of
Yosi Tuval, et al.
Application No. 11/728,253
Filed: March 23, 2007
Attorney Docket No. P0035005.06

DECISION ON REQUEST FOR REVOCATION OF POWER 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 April 2, 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).

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

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

PTO/SB/96 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

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

Titled:

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

states that it is:

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

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

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

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

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

OR

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

1. From: _____ To: _____

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

2. From: _____ To: _____

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

3. From: _____ To: _____

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

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

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

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

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

_____ _____
Signature Date

_____ _____
Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JUL 27 2009

OFFICE OF PETITIONS

In re Application of	:
Sante GUERCIONI	:
Application No. 11/728,257	:DECISION ON PETITION
Filed: March 22, 2007	: 37 CFR 1.137(b)
Attorney Docket No. 8059P003	:

This is a decision on the petition, filed March 11, 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 March 24, 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of accompanies this decision on petition.

This application is being referred to Technology Center 3729.

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

for Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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
11/728,257	03/22/2007	Sante Guercioni	8059P003

CONFIRMATION NO. 9845

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

NONPUBLICATION RESCISSION LETTER

OC000000037026404

Date Mailed: 07/22/2009

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 10/29/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/dcgoodwyn/

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

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11728257

Start Date: Any Date

Total Records Found: 6

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
03/12/2009	00007665	4	2453	$810.00	03/11/2009	DA 022666
01/25/2008	00012867	3	8007	$20.00	01/25/2008	DA 022666
03/27/2007	00000104	1	2311	$100.00	03/22/2007	CK
03/27/2007	00000102	1	2011	$150.00	03/22/2007	CK
03/27/2007	00000101	1	8021	$40.00	03/22/2007	CK
03/27/2007	00000103	1	2111	$250.00	03/22/2007	CK

Doc Code: PET.OP
Document Description: Petition for review by the Office of Petitions

PTO/SB/64a (02-09)
Approved for use through 03/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OFA FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional) 8059P003

First named inventor: Sante Guercioni

Application No.: 11/728,257 Art Unit: _____

Filed: 03/22/2007 Examiner: _____

Title: Method and Apparatus for Insertion of Preformed Conductors into Twisting Machine

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 12 2(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

1.Petition fee

☑ Small entity-fee $ 810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is March 24, 2008.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1. 11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the a bandonment o r the delay in filing a petition under 37 CFR 1.1 37(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Roger W Blakely	March 11, 2009
Signature	Date
Roger W. Blakely, Jr.	25,831
Type or Printed Name	Registration Number, if applicable
1279 Oakmead Parkway	714-557-3800
Address	Telephone Number
Sunnyvale, CA 94085	
Address	

Enclosures: ☑ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☑ I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

March 11, 2009	Jessica A Clark
Date	Signature
	Jessica A. Clark
	Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUL 27 2009

OFFICE OF PETITIONS

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

In re Application of :
Sante GUERCIONI :
Application No. 11/728,258 :DECISION ON PETITION
Filed: March 22, 2007 : 37 CFR 1.137(b)
Attorney Docket No. 8059P005 :

This is a decision on the petition, filed March 11, 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 March 24, 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of accompanies this decision on petition.

This application is being referred to Technology Center 3729.

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

for Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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
11/728,258	03/22/2007	Sante Guercioni	8059P005

CONFIRMATION NO. 9849

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

NONPUBLICATION RESCISSION LETTER

OC000000037026372

Date Mailed: 07/22/2009

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 10/29/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

COPY MAILED
AUG 27 2007
OFFICE OF PETITIONS

In re Application of	:	
Sakanaka et al.	:	
Application No. 11/728,283	:	DECISION GRANTING PETITION
Filed: March 23, 2007	:	
Attorney Docket No. 57094DIV(71526)	:	

This is a decision on the petition under 37 CFR 1.10(c), filed June 25, 2007, requesting that the above-identified application be accorded a filing date of March 22, 2007, rather than the presently accorded date of March 23, 2007.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 22, 2007 pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of Express Mail label No. EV971741875US which does not show any entry by the USPS. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

To substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on March 22, 2007 an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted on March 22, 2007 at the USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on March 22, 2007. Accordingly, the instant application is entitled to a filing date of March 22, 2007 and has been so accorded.

The petition is **granted**.

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

This application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of **March 22, 2007**.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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JAN 07 2008

OFFICE OF PETITIONS

In re Application of
Howard, Alianell, Riding, Barile, and Foster
Application No.: 11/728,297
Filed: March 15, 2007
Attorney Docket No: PTRAL.004A
Invention: **SYSTEMS AND METHODS FOR LARGE –SCALE PRODUCTION AND HARVESTING OF OIL RICH ALGAE**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed December 18, 2007.

The petition is **GRANTED**.

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

The above-cited application was filed on March 15, 2007, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on June 18, 2007, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge. The instant petition was filed on December 18, 2007, with a request for an extension of time within the fifth month.

Petitioner has shown that inventor Barile has contsructively refused to join the prosecution of the application, or cannot be located to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

Deposit account 19-3140 will be charged $200.00 for the instant petition fee.

The address cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed to the address cited on the petition until appropriate written instructions to the contrary are received.

This application will be forwarded to the Office of Patent Application Processing for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Hal W. Gibson
Sonnenschein Nath & Rosenthal, LLP
PO Box 061080
Wacker Drive Station
Sears Tower
Chicago, IL 60606-1080

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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TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO CA 92121

COPY MAILED
MAR 15 2010

In re Application of	:	
Eric KOREVAAR, et al	:	
Application No. 11/728,335	:	DECISION ON PETITION
Filed: March 26, 2007	:	
Attorney Docket No. 749	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 19, 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 20, 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 statement of unintentional delay.

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

This application is being referred to Technology Center AU 2873 for appropriate action by the Examiner in the normal course of business on the reply received December 29, 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/728,338	03/26/2007	Reza M. Bacchus	200315299-2	2907

7590 04/17/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
CHIANG, JACK

ART UNIT	PAPER NUMBER
2825	

NOTIFICATION DATE	DELIVERY MODE
04/17/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/17/2008 DTERRY
03/27/2007 CNGUYEN2 00000121 082025 11728338
500.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO CA 92121

MAILED

APR 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Edward Davis et al.	:	
Application No. 11/728,345	:	DECISION ON PETITION
Filed: March 26, 2007	:	
Attorney Docket No. 747	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 6, 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 7, 2009. A Notice of Abandonment was mailed on September 28, 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. 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 2878 for appropriate action by the Examiner in the normal course of business on the reply received December 29, 2009.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Attorney Docket No. 3913.02US02

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Attorney Docket No.: 3913.02US02

Wayne D. Jacobson Confirmation No.: Unassigned

Application No.: Unassigned 11/728352 Examiner: Unassigned

Filed: March 26, 2007 Group Art Unit: Unassigned 1724

For: APPARATUS AND METHOD FOR REMOVING PARTICULATES FROM A FLUID STREAM

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. § 1.102(C) AND M.P.E.P. § 708.02 IV)

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

Sir:

Applicant hereby petitions to make this application special because applicant is over 65 years of age.

As a showing of this fact, accompanying this petition is a declaration by the applicant that he is over 65 years of age as evidence of applicant's age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

Respectfully submitted,

Wm. Larry Alexander

Wm. Larry Alexander
Registration No. 37,269

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
APR 2 4 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH NC 27611-8539

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OFFICE OF PETITIONS

In re Application of

COLWELL, Dave et al.
Application No. 11/728,357
Filed: March 26, 2007
Attorney Docket No. **4003-003**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 02, 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- 4231.

Michelle R. Eason

Michelle R. Eason
Petitions Examiner
Office of Petitions

cc: **FOLEY & LARDNER**
150 EAST GILMAN STREET
VEREX PLAZA
MADISON, WI 53703

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RALEIGH NC, 27611-8539

In re Application of	
COLWELL, Dave et al.	
Application No. 11/728,357	DECISION ON PETITION
Filed: March 26, 2007	TO WITHDRAW
Attorney Docket No. **4003-003**	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 October 04, 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 JiNan Glasgow on behalf of all attorneys of record who are associated with customer No. 64843. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DAVE COLWELL**
452 LEANORE COURT
PEWAUKEE, WI 53072

cc: **FOLEY & LARDNER**
150 EAST GILMAN STREET
VEREX PLAZA
MADISON, WI 53703

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RALEIGH, NC 27611-8539

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OFFICE OF PETITIONS

In re Application of	:	
Chris Felton, et al.	:	
Application No. 11/728,361	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW
Attorney Docket No. 4003-004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2007 and resubmitted October 4, 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 Jinan Glasgow on behalf of all attorneys of record who are associated with customer No. 64843.

All attorneys/agents associated with the Customer Number 64843 have been withdrawn.

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

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

There are no 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: CHRIS FELTON
W. 143 NORTH 5266 ST ANDREWS COURT
MENOMONEE FALL, WI 53051

cc: FOLEY & LARDNER
150 EAST GILMAN STREET
VEREX PLAZA
MADISON, WI 53703

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/728,361	03/26/2007	Chris Felton	4003-004

CONFIRMATION NO. 1546

POWER OF ATTORNEY NOTICE

FOLEY & LARDNER
Verex Plaza
150 East Gilman Street
Madison, WI 53703

OC000000029206729

Date Mailed: 04/02/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/04/2007.

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

/amwise/

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

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MASUVALLEY & PARTNERS
8765 AERO DRIVE
SUITE 312
SAN DIEGO CA 92123

MAILED

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OFFICE OF PETITIONS

In re Application of	:	
Hirofumi Asano	:	
Application No. 11/728375	:	DECISION ON PETITION
Filing or 371(c) Date: 03/26/2008	:	
Attorney Docket No. 13033-300US	:	

This is a decision on the "Request for Corrected Filing Receipt," filed November 19, 2007, requesting that the Office accord the present application a filing date of March 26, 2007.

The petition is granted.

On March 26, 2007, Applicants deposited the above-identified application. On July 2, 2007, Applicants' filed an English Language Translation of the present application. On October 29, 2007, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating that the application had NOT been accorded a filing date as it was filed without drawings, and on October 31, 2007, the Office mailed a Filing Receipt according the application the filing date of July 2, 2007, the date that the English Language Translation of the application was filed.

Applicants file the present petition and assert that the application filing date is March 26, 2007. In support of this assertion, Applicants file a copy of their return-receipt postcard wherein this office acknowledged receipt of a specification (11 pages), and drawings (12 sheets).

A review of the file indicates that the Office received a copy of a foreign language application[1] on March 26, 2007, that included 11 pages of what may be considered a specification, and 12 sheets of drawings. Therefore, the application may be accorded a filing date of March 26, 2007.

This matter is being referred to the Office of Patent Application Processing to accord the application a filing date of March 26, 2007.

[1] Although the specification and drawings were located in the file, the specification was filed in a language other than English. Because the specification was filed in this format, special processing is necessitated. Therefore, the petition fee will be charged to the Deposit Account.

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

/Derek L. Woods/
Derek L. Woods
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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David M. Ostfeld
Adams and Reese, LLP
4400 One Houston Center
1221 McKinney Street
Houston, TX 77010

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OFFICE OF PETITIONS

In re Application of	:	
Riadh M. M. Awni	:	
Application No. 11/728,396	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW FROM
Attorney Docket No. 15188-1	:	RECORD

This is a decision on the request to withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed September 23, 2009.

The request is **APPROVED**.

A review of the file record indicates that Jason P. Mueller and the attorneys/agents associated with Customer Number 73896: (1) do not have power of attorney in this patent application; but (2) may be employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Jason P. Mueller and the attorneys/agents associated with Customer Number 73896 have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b)[1].

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

The application file is being referred to Technology Center Art Unit 3636 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

[1] It is noted that the correspondence address of record for the above application is the same as the correspondence address listed under Customer Number 73896. If the attorney of record, David M. Ostfeld, wishes withdraw as attorney or agent, a proper revocation of power of attorney or request to withdraw as attorney or agent of record under 37 CFR §§1.36(b) or 10.40 should be submitted. It is further noted that the "Declaration and Power of Attorney" filed on March 26, 2007 originally granted power to David M. Ostfeld as an individual rather than by customer number.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Adams And Reese, LLP
1221 McKinney Street, Suite 4400
Houston, TX 77010

cc: Jason P. Mueller
Adams and Reese, LLP
701 Poydras, Suite 4500
New Orleans, LA 70139

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/17/10

TO SPE OF : ART UNIT 2884

SUBJECT : Request for Certificate of Correction for Appl. No.: 11728400 Patent No.: 7608829

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: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/David P. Porta/

2884

SPE Art Unit

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DAY PITNEY LLP
ACCOUNT: ILLINOIS TOOL WORKS INC.
7 TIMES SQUARE
NEW YORK, NY 10036-7311

Mail Date: 04/27/2010

Applicant	: David J. Anzini	: DECISION ON REQUEST FOR
Patent Number	: 7621105	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/728,405	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **63** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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OBER, KALER, GRIMES & SHRIVER
ATTORNEYS AT LAW
120 EAST BALTIMORE STREET
BALTIMORE MD 21202-1643

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APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard King	:	
Application Number: 11/728422	:	
Filing Date: 03/26/2007	:	ON PETITION
For: PAINTBALL TARGETS WITH	:	
ENTERTAINMENT VALUE	:	

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on March 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on January 9, 2009, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on October 8, 2008, which set a three (3)-month statutory period for reply. On February 3, 2009, Notice of Abandonment was mailed.

---

[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)).

On March 18, 2009, the subject petition was filed, along with payment of the issue and publication fees.

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

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

Commissioner for Patents
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Alexandria, VA 22313-1450
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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA – FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

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OCT 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Steven G. Thomas et al	:	
Application No. 11/728,448	:	DECISION GRANTING
Filed: March 26, 2007	:	PETITION
Attorney Docket No. 81147862	:	

This is a decision on the petition, filed April 17, 2007, requesting that the above-identified application be accorded a filing date of March 26, 2007, rather than the presently accorded date of March 27, 2007. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on March 26, 2007. In support, the petition is accompanied by a copy of the USPS Track & Confirm with Express Mail Label No. EV487014664US showing an acceptance date of March 26, 2007 in Livonia, MI., (the same Express Mail number found on the original application papers located in the official file).

The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on March 26, 2007.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **March 26, 2007** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3208. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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Paper No.

TROP PRUNER & HU, PC
1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

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NOV 15 2007

OFFICE OF PETITIONS

In re Application of	:
Kramadhati Ravi and	: DECISION REFUSING STATUS
Jerry Zimmer	: UNDER 37 C.F.R. § 1.47(a)
Application No. 11/728,458	:
Filed: March 26, 2007	:
Attorney Docket No. ITL.1160US	:
(P19546)	:

This is a decision on the PETITION BY JOINT UNDER 37 C.F.R. 1.47 TO ACCEPT OATH WITH NONSIGNING INVENTOR filed May 14, 2007.

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

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

The above-identified application was filed on March 26, 2007, with a declaration executed by joint inventor Ravi on behalf on himself and on behalf of non-signing joint inventor Zimmer. No petition under 37 CFR 1.47 accompanied this declaration. Accordingly, on April 17, 2007, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

In response, applicants timely filed the instant petition (and petition fee). Applicants assert that status under 1.47(a) is proper because joint inventor Zimmer refuses to join in the application. In support thereof, applicants submit the statement of Timothy Trop.

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

The petition includes the petition fee of $200 and a statement of the last known address of inventor Zimmer. The declaration filed March 26, 2007 is acceptable.

However, the instant petition is not grantable because requirement (1) above is not satisfied. As stated in MPEP 409.03(d):

> 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.

Furthermore, this section provides that:

> 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.

The statement of Mr. Trop states that the application, declaration and assignment were submitted to Mr. Zimmer. The statement also states that Mr. Zimmer told him that he would not

sign. However, the statement does not satisfy the requirement that the time and place of the express oral refusal must be stated.

In view thereof, 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
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

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Paper No.

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1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

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MAR 19 2008

OFFICE OF PETITIONS

In re Application of Kramadhati Ravi and Jerry Zimmer Application No. 11/728,458 Filed: March 26, 2007 Attorney Docket No. ITL.1160US (P19546)	DECISION ACCORDING STATUS UNDER 37 C.F.R. § 1.47(a)

This is a decision on the AMENDED PETITION UNDER 37 C.F.R. §1.47 filed January 7, 2008.

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

The above-identified application was filed on March 26, 2007, with a declaration executed by joint inventor Ravi on behalf on himself and on behalf of non-signing joint inventor Zimmer. No petition under 37 CFR 1.47 accompanied this declaration. In response to the "Notice to File Missing Parts of Application" mailed April 17, 2007, on May 14, 2007, applicants timely filed the initial petition under 37 C.F.R. §1.47. By decision mailed November 15, 2007, the petition was dismissed for failure to submit an adequate showing that inventor Zimmer had refused to join in the application after having been presented with the application papers.

On instant renewed petition, applicants submitted an amended statement of facts by Timothy Trop. This statement is based on first hand knowledge. Mr. Trop states that he presented the application, declaration and assignment to inventor Zimmer. Further on or about May 26, 2004, in a telephone conversation, inventor Zimmer expressly refused to join in the application.

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

On initial petition, applicants included the petition fee of $200 and a statement of the last known address of inventor Zimmer. The declaration filed March 26, 2007 was determined to be acceptable. Applicants' evidence on renewed petition has been considered and it is determined that applicants have now made an adequate showing that inventor Zimmer has refused to sign the declaration after having been presented with the application papers.

The declaration filed March 26, 2007, has been reviewed and found acceptable.

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

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JERRY W. ZIMMER
21260 B. GLENMONT DRIVE
SARATOGA, CA 95070

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MAR 19 2008

OFFICE OF PETITIONS

In re Application of :
Kramadhati Ravi and :
Jerry Zimmer : LETTER
Application No. 11/728,458 :
Filed: March 26, 2007 :
Attorney Docket No. ITL.1160US:
(P19546) :

Dear Mr. Zimmer:

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

TROP PRUNER & HU, PC
1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Carl J. Schwedler
Bullivant Houser Bailey, PC
Suite 1000
1415 L Street
Sacramento CA 95814

COPY MAILED

SEP 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Ray C. Chan et al.	:	
Application No. 11/728,470	:	DECISION ON PETITION
Filed: March 24, 2007	:	PURSUANT TO
Attorney Docket No. 01111/01111	:	37 C.F.R. § 1.181
Title: CULTURALLY ENRICHED SLOT	:	
MACHINE	:	

This is a decision on the petition filed on August 12, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 16, 2007, which set a shortened statutory period for reply of two months. A response was received on September 4, 2007[1] consisting of a fully-executed declaration and the fee that is associated with the late submission of the same, but no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 17, 2007. A notice of abandonment was mailed on August 8, 2008.

1 The response contains a certificate of mailing dated August 29, 2007.

RELEVANT PORTION OF THE U.S.C. and C.F.R.

35 U.S.C. § 1.133 sets forth, *in toto*:

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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

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

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

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

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

ANALYSIS

This application went abandoned by operation of law for failure to timely respond to the notice of April 16, 2007. With this petition, Applicant has asserted "Applicant believes that the reply to the Notice to File Missing Parts was timely submitted to the U.S. Patent and Trademark Office," but this belief is inaccurate. The notice set a two-month period for response, and as such, a reply was due no later than June 16, 2007. A response was received on September 4, 2007, however **the requisite petition for a three-month extension of time was not included.**

It is noted that with this petition, Applicant has authorized the Office to charge any required fees to a Deposit Account. The undersigned has reviewed the submission that was received on

September 4, 2007, and an authorization to charge any fee deficiencies has not been located. Moreover, the undersigned has reviewed the Fee Transmittal that Applicant included on filing, and it does not contain a blanket authorization to charge any fee deficiencies to a Deposit Account. As such, when Applicant provided his response to the notice subsequent to the due date but prevenient to the maximum extendable period for response, the Office was unable to rectify Applicant's filing error by charging the required extension of time fee to his Deposit Account.

It is noted in passing that the notice of abandonment erroneously sets forth that no reply was received to the notice of April 16, 2007. The Office regrets this error, however this error is immaterial to the abandonment of the present application. Section 133 of 35 U.S.C. is a self-executing law, 37 C.F.R. § 1.135 is a self-executing regulation, and each indicates that failure to respond prior to the expiration of the period for response will result in the abandonment of the application.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Applicant may file a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b).

Applicant will note that a third option is to concurrently file both a renewed petition pursuant to Rule 1.181(a) and a petition pursuant to 1.137(a) and/or 1.137(b).

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

---

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

If responding by mail, Applicant is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[6]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

6 Applicant will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Applicant is reminded that no telephone discussion may be controlling or considered authority for any of Applicant's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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MAY 04 2009

OFFICE OF PETITIONS

Carl J. Schwedler
Bullivant Houser Bailey, PC
Suite 1000
1415 L Street
Sacramento CA 95814

In re Application of	:	
Ray C. Chan et al.	:	
Application No. 11/728,470	:	DECISION ON PETITION
Filed: March 24, 2007	:	PURSUANT TO
Attorney Docket No. 01111/01111	:	37 C.F.R. § 1.137(b)
Title: CULTURALLY ENRICHED SLOT	:	
MACHINE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed October 17, 2008, to revive the above-identified application.

This petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 16, 2007, which set a shortened statutory period for reply of two months. A response was received on September 4, 2007[1] consisting of a fully-executed declaration and the fee that is associated with the late submission of the same, but no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 17, 2007. A notice of abandonment was mailed on August 8, 2008.

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

1 The response contains a certificate of mailing dated August 29, 2007.

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

A petition pursuant to 37 C.F.R. § 1.181 was filed on August 12, 2008, and was dismissed via the mailing of a decision on September 8, 2008.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[2]

Petitioner has also submitted a four-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[3] Accordingly, since the $ 865 extension of time submitted with the petition on October 17, 2008 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's Deposit Account.

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

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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2 See Rule 1.137(d).
3 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[4].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 11 2007

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

In re Application of	:
Norberto A. Guzmanet al	:
Serial No.: 11/728,499	: SUSPENSION OF ACTION
Filed: December 5, 2003	:
Attorney Docket No.: 67169-5004	:

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of one month, filed April 27, 2007.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.

Applicants' petition states that they need additional time to respond to prepare a draft supplemental amendment and conduct a telephone interview with the examiner, and that this is in response to a telephone interview initiated by the examiner on April 19, 2007. It is noted that applicants reply to the last Office action was filed on February 2, 2007, and that the application is currently on the examiner's docket for preparation of the next Office action. No examiner initiated Interview Summary Form is of record, nor is there any applicant submitted interview summary form of record. Applicants have not presented any indication of the issues allegedly raised by the alleged interview which need to be addressed by further submissions and/or examiner contact.

In view of the above reason the petition is **DENIED**.

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

John LeGuyader
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of
Juergen A. Kortenbach et al.
Application No. 11/728,502
Filed: March 26, 2007
Attorney Docket No. 064B Div 3

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

This decision is in response to the petition filed under 37 CFR 1.47(b) on June 18, 2007 which is being treated under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on March 26, 2997, with an unexecuted oath or declaration. Accordingly, on April 19, 2007, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, the instant petition, and a declaration executed by all joint inventors except Juergen A. Kortenbach and Robert Sixto, Jr., in their own stead and on behalf of the non-signing joint inventors was filed. Petitioner claims that joint inventor Kortenbach and Sixto, Jr., have refused to sign the declaration.

At the outset, petitioner is advised that if none of the named inventor(s) will sign the oath or declaration, a petition under 37 CFR 1.47(b) must be filed. If some of the named inventors signed the oath or declaration and one or more of the named inventors have not signed the declaration, a petition under 37 CFR 1.47(a) must be filed. In the instant case, five inventors have been named but the oath or declaration is missing the signature of only two of the named inventors, thus, this petition will be treated under 37 CFR 1.47(a).

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

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor.

The petition lacks items (1) and (4). In regards to item (1), petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventors. Petitioners have noted that the application was sent to Mr. Kortenbach and Mr. Sixto Jr., by email but it hasn't been established that either actually received the complete application. In the absence of an express statement from a non-signing inventor that they have received, opened and read a document, unlike a printed page in the language of the recipient there is no basis to presume that an Emailed document was received and/or in a form comprehended.

Petitioners must show proof that a copy of the application (specification including claims, drawings, if any, and the Declaration) were sent or given to the non-signing inventors for review.[1] Petitioners should provide a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Petitioners must also present proof that if after having received the complete application, the non-signing inventor refuses to sign the declaration. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

In regards to item (4), the last known addresses of joint inventor Kortenbach and Sixto Jr., have not been provided as required by 37 CFR 1.47. Petitioners must provide a statement of the last known address of the nonsigning inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies have been cured.

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[1] MPEP 409.03(d).

Petitioner should also be advised that effective November 22, 2004, the petition fee has been increased from $130.00 to $200.00. Therein, deposit account no. 50-3836 has been charged in the amount of $70.00 to make up the difference between the amount charged to petitioner's credit card and that which is due. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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FORT LAUDERDALE FL 33330

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OFFICE OF PETITIONS

In re Application of
Juergen A. Kortenbach et al.
Application No. 11/728,502
Filed: March 26, 2007
Attorney Docket No. 064B Div 3

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

This decision is in response to the request for reconsideration filed under 37 CFR 1.47(a)[1] on August 29, 2007.

The petition is **GRANTED**.

The above-identified application was filed on March 26, 2997, with an unexecuted oath or declaration. Accordingly, on April 19, 2007, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing. A petition filed June 18, 2007 claiming that joint inventors Kortenbach and Sixto, Jr., refused to sign the declaration was dismissed in a decision mailed July 23, 2007 because petitioners had not provided sufficient proof that a copy of the complete application (specification, including claims, drawings, if any, and the declaration) had been sent to the non-signing inventor and because the last known addresses for the non-signing inventors had not been provided.

In response to the decision dismissing the petition filed June 18, 2007, the instant petition shows that a complete application has been sent to non-signing inventors Kortenbach and Sixto, Jr. and that while joint inventor has expressly, in writing, refused to execute the oath or declaration, joint inventor Sixto, Jr. has not responded at all. Thus, it is apparent by their actions that they are unwilling to cooperate with the filing of the instant application.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule

---

[1] A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor.

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

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

WARF/BHGL
P.O. BOX 10395
CHICAGO IL 60610

In re Application of

DENU, John M. et al.
Application No. 11/728,503
Filed: March 26, 2007
Attorney Docket No. **12854-47 (P06350US)**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JILL A. FAHRLANDER**
ONE SOUTH PICKNEY STREET
SUITE 700
MADISON WI 53703-3095

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
WALDMAN, Kenneth C.	:	
Application No. 11/728,507	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW
Attorney Docket No. **SIM2-PT008.2**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 09, 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 S. Volpe on behalf of all attorneys of record who are associated with customer No. 03624. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **KENNETH C. WALDMAN**
25 TANGLEWOOD DRIVE
READING, PA 19607

cc: **SFCA, INC.**
501 S. 9TH STREET
READING, PA 19602

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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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Elliot N. Kramsky, Esq.
Suite 400
5850 Canoga Avenue
Woodland Hills, CA 91367

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert E. Gibbons	:	
Application No. 11/728,527	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW
Attorney Docket No. 492-101	:	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 **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 Elliot N. Kramsky, Esq. on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Robert E. Gibbons at the address indicated below.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Robert E. Gibbons**
2228/7 Mulholland Highway
Suite 325
Calabasas, CA 91302

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
11/728,527	03/26/2007	Robert E. Gibbons	492-101

CONFIRMATION NO. 3337

POWER OF ATTORNEY NOTICE

Elliott N. Kramsky, Esq.
Suite 400
5850 Canoga Avenue
Woodland Hills, CA 91367

OC000000040845663

Date Mailed: 03/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/14/2010.

- 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.

/tsjohnson/

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

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MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

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OCT 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
KORTENBACH, SIXTO, SMITH, SLATER,	:	DECISION REFUSING STATUS
and GOTTLIEB	:	UNDER 37 CFR 1.47(a)
Application No. 11/728,536	:	
Filed: 03/26/2007	:	
Attorney Docket No. 064B Div2	:	
Title: SURGICAL CLIP APPLICATION	:	
ASSEMBLY	:	

This is in response to the petition under 37 CFR 1.47(b), filed June 18, 2007, which is properly treated as a petition under 37 CFR 1.47(a).

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should 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).

On June 18, 2007, applicants submitted the present petition, a declaration executed by three of the five joint inventors, and a $130.00 petition fee.[1] Applicants asserted that the non-signing inventors constructively refused to join in the filing of the application. Specifically, in the Declaration of Facts, Serene E. Keen, an Intellectual Property Paralegal, stated that she emailed each of the non-signing inventors a copy of the specification, claims, drawings, and an unsigned declaration at what was understood to be their respective email addresses. Furthermore, Ms. Keen indicated that she called each of the non-signing inventors at what was understood to be their respective telephone numbers and left a message on their voicemails. She asserted that neither inventor responded to the email or telephone call.

[1] The current fee for filing a petition under 37 CFR 1.47(a) is $200.00. Accordingly, the Office will charge the Deposit Account in the amount of $70.00, as authorized.

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. Applicants lacks item (1).

As to item (1), applicants have not provided sufficient proof that the non-signing inventors were sent or presented with a complete copy of the application as filed (specification, including the claims, drawings, if any, and the declaration). See MPEP 409.03(d).

Applicants stated that a copy of the application papers and a declaration were sent via email to the non-signing inventors, followed by a telephone call. However, applicants have not submitted sufficient proof that the non-signing inventors received the email messages containing the application papers. Moreover, applicants did not provide any evidence that the email addresses were email addresses, which were monitored regularly by the non-signing inventors, or that the telephone numbers were current.

Accordingly, in any renewed petition, applicants must show that the non-signing inventors were presented with the application papers (specification, including the claims, drawings, if any, and the declaration) for the present application. In this case, as the applicants are aware of the non-signing inventors' last known addresses, it is suggested that applicants mail copies of the application papers, return receipt requested, to those addresses.

Applicants may show that a copy of the application was mailed or presented to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the events.[2] Applicants must show that they made a bona fide attempt to mail copies of the application papers to the non-signing inventors at what is believed to be their most current addresses. If the non-signing inventors refuse to accept delivery of the papers or their conduct constitutes a refusal to join in the application, applicants will have provided proof of refusal to sign the declaration.

However, if the application papers are returned as undeliverable, applicants should submit a copy of the envelope, showing that the copy of the application papers sent to the last known address of the non-signing inventor was returned as undeliverable. If further attempts to obtain a forwarding address or to locate non-signing inventors by other means such as through an Internet search fail, then applicants will have provided the necessary proof that the inventors cannot be reached after diligent effort.

---

[2] If the non-signing inventor refuses to execute the declaration in writing, applicants must submit a copy of that written refusal with any renewed petition. Likewise, if the non-signing inventor makes an oral refusal to a person, then that individual must provide details of the refusal in an affidavit or declaration of fact.

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) 272-8300
Attn: Office of Petitions

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

Correspondence relating to this decision may also be submitted via the Electronic Filing System of the USPTO.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

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OFFICE OF PETITIONS

In re Application of	:	
KORTENBACH, SIXTO, SMITH, SLATER,	:	DECISION ACCORDING STATUS
and GOTTLIEB	:	UNDER 37 CFR 1.47(a)
Application No. 11/728,536	:	
Filed: 03/26/2007	:	
Attorney Docket No. 064B Div2	:	
Title: SURGICAL CLIP APPLICATION	:	
ASSEMBLY	:	

This is in response to the Request for Reconsideration of Petition under 37 CFR 1.47(a), filed December 20, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application after petitioners provided them with complete copies of the application papers.

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

This application is being referred to Technology Center AU 3731 for examination in due course.

Telephone inquiries regarding this communication 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

Juergen Kortenbach
122 Pinecrest Drive
Miami, FL 33166

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of :
KORTENBACH, SIXTO, SMITH, SLATER, :
and GOTTLIEB : LETTER
Application No. 11/728,536 :
Filed: 03/26/2007 :
Attorney Docket No. 064B Div2 :
Title: SURGICAL CLIP APPLICATION :
ASSEMBLY :

Dear Mr. Kortenbach:

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

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

UNITED STATES PATENT AND TRADEMARK OFFICE

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Robert Sixto, Jr.
8235 S.W. 99 Street
Miami, FL 33156

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of :
KORTENBACH, SIXTO, SMITH, SLATER, :
and GOTTLIEB : LETTER
Application No. 11/728,536 :
Filed: 03/26/2007 :
Attorney Docket No. 064B Div2 :
Title: SURGICAL CLIP APPLICATION :
ASSEMBLY :

Dear Mr. Sixto:

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

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

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

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JUN 15 2007

TECHNOLOGY CENTER 3600

Edward LeRoy Swindell
24 Dockside Lane
P.M.B. 376
Key Largo, FL 33037

In re application of	:	**DECISION ON PETITION**
Edward LeRoy Swindell et al.	:	**TO MAKE SPECIAL FOR**
Application No. 11/728,638	:	**NEW APPLICATION**
Filed: March 27, 2007	:	**UNDER 37 CFR 1.102**
For: ALL-ELECTRIC CAR	:	

This is a decision on the petition filed on May 25, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. Also, the application was not in condition for examination at the time of filing as evidenced by the Office letter mailed May 7, 2007. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on May 25, 2007, the petition must be considered under the new guidelines and thus is properly **DENIED**.

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

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.

Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

KJD/dew: 05/14/07

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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.
11/728,638	03/27/2007	Edward LeRoy Swindell		1666

7590 02/28/2008

Edward LeRoy Swindell
24 Dockside Lane
P.M.B. 376
Key Largo, FL 33037

EXAMINER

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
02/28/2008	PAPER

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

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

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FEB 27 2008

TECHNOLOGY CENTER 3600

Edward LeRoy Swindell
24 Dockside Lane
P.M.B. 376
Key Largo, FL 33037

In re application of
Edward LeRoy Swindell et al.
Application No. 11/728,638
Filed: March 27, 2007
For: ALL-ELECTRIC MOTOR CAR

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on February 19, 2008 to make the above-identified application special for Environmental Quality 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 renewed petition to make special for Environmental Quality under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the original petition of May 25, 2007 was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's original petition was received on May 25, 2007, the petition must be considered under the new guidelines and thus was properly denied. Nothing in this renewed petition changes the above facts. Therefore this renewed petition is also **DENIED**.

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

Any inquiry regarding this decision should be directed to Steven N. Meyers, Special Program Examiner, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 2/27/08

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK NY 10016

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Davlin et al.	:	
Application No. 11/728675	:	
Filing or 371(c) Date: 03/26/2007	:	
Attorney Docket Number:	:	
El-12	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed January 10, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed April 24, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned June 25, 2007. A Notice of Abandonment was mailed January 3, 2008.

Applicant files the present petition; oath/declaration and late filing fee oath/declaration in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of the basic filing fee (filed April 10, 2007), and an oath/declaration; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROM DIRECTOR'S OFFICE

MAY 22 2007

TECHNOLOGY CENTER 3600

John R. Flanagan
P. O. Box 2629
Eugene, OR 97402

In re application of Kil Jae Chang Application No. 11/728,707 Filed: March 26, 2007 For: DISPENSING WHEEL ALIGNEMENT DEVICES IN VENDING MACHINE	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on March 26, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed electronically as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on March 26, 2007 the petition must be considered under the new guidelines and thus is properly **DENIED**.

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

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.

Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

KJD/dew: 05/18/07

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ETHERTON LAW GROUP, LLC
5555 E. VAN BUREN STREET, SUITE 100
PHOENIX AZ 85008

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MAR 17 2008

In re Application of	:	
MARKOW, Ari et al.	:	
Application No. 11/728,735	:	DECISION ON PETITION
Filed: March 27, 2007	:	TO WITHDRAW
Attorney Docket No. **472-001**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 03, 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, (attorney terminated representation of applicant), 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
Paralegal Specialist
Office of Petitions

cc: **ARI MARKOW**
1230 CALLE SUERTE
CAMARILLO, CA 93012

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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ETHERTON LAW GROUP, LLC
5555 E. VAN BUREN STREET, SUITE 100
PHOENIX, AZ 85008

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MAY 2 1 2008

OFFICE OF PETITIONS

In re Application of
MARKOW, Ari et al.
Application No. 11/728,735
Filed: March 27, 2007
Attorney Docket No. **472-001**

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 March 26, 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, (in good faith, in the present proceeding before the Patent Office, that the Office will find the existence of good cause for withdrawal), 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
Paralegal Specialist
Office of Petitions

cc: **ARI MARKOW**
1230 CALLE SUERTE
CAMARILLO, CA 93012

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ETHERTON LAW GROUP, LLC
5555 E. VAN BUREN STREET, SUITE 100
PHOENIX AZ 85008

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
MARKOW, Ari L. et al.	:	
Application No. 11/728,735	:	DECISION ON PETITION
Filed: March 27, 2007	:	TO WITHDRAW
Attorney Docket No. **472-001**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 26, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Sandra L. Etherton on behalf of all attorneys of record who are associated with customer No. 33354. 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 Ari L. Markow 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: **ARI L. MARKOW**
c/o PRIDE BUSINESS DEVELOPMENT HOLDINGS, INC.
1230 CALLE SUERTE
CAMARILLO, CA 93012

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Stephen Elflein	: DECISION ON REQUEST FOR
Patent Number	: 7604262	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/728,769	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **351** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHACHT LAW OFFICE, INC.
SUITE 202
2801 MERIDIAN STREET
BELLINGHAM WA 98225-2412

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OCT 27 2008

In re Application of :
David W. Brown et al. :
Application No. 11/728,801 : ON PETITION
Filed: March 26, 2007 :
Attorney Docket No. P215429 :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed October 9, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **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(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed March 17, 2008 which set a three month statutory period for response. In lieu of payment of the issue fee, a Request for Continued Examination (RCE) was filed June 12, 2008. However, no submission under 37 CFR

---

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

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

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

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

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

1.114 was filed with the RCE and thus the RCE was improper. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The instant petition does not satisfy requirement (3) of the regulation.

Petitioner is advised that payment of the issue fee is the required reply in order to revive the application for failure to submit a timely response to the Notice of Allowance, not an RCE and IDS.

In view thereof, the issue fee is due before a petition can be granted. The application will therefore remain in an abandoned status until such time as the issue fee has been paid.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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2801 MERIDIAN STREET
BELLINGHAM WA 98225-2412

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FEB 12 2009

OFFICE OF PETITIONS

In re Application of
David W. Brown et al.
Application No. 11/728,801
Filed: March 26, 2007
Attorney Docket No. P215429

ON PETITION

This is a decision on the request for reconsideration filed January 15, 2009, under 37 CFR 1.137(b)[1], to revive the above-identified application.

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

This application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed March 17, 2008 which set a three month statutory period for response. In lieu of payment of the issue fee, a Request for Continued Examination (RCE) was filed June 12, 2008. However, no submission under 37 CFR 1.114 was filed with the RCE and thus the RCE was improper and the application therefore became abandoned. A petition filed October 9, 2008, prior to the mailing of the Notice of Abandonment, was dismissed in a decision mailed October 27, 2008 because the filing of an RCE or IDS can not be accepted as the required reply in a petition to revive where the application became abandoned for failure to timely pay the issue fee in response to a Notice of Allowance.

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

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

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

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

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

Comes now petitioner with the instant petition and the Issue Fee Transmittal Form PTOL-85(b).

The issue fee in the amount of $755.00 and the petition fee have been applied. As the fee for the RCE ($405) was paid June 12, 2008, a refund will be issued for the duplicate payment made on October 9, 2008 to the credit card used. As well, as the instant petition is a request for reconsideration, additional fees for the instant petition under 37 CFR 1.137(b) in the amount of $810 are not required and will be credited back to deposit account no. 50-0299. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

HUFFMAN LAW GROUP, P.C.
1900 MESA AVE.
COLORADO SPRINGS CO 80906

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FEB 24 2009

OFFICE OF PETITIONS

In re Application of :
May :
Application No. 11/728,812 : DECISION
Filed: 26 March, 2007 :
Attorney Docket No. SIG000136CON :

This is a decision on the petition filed on 14 August, 2008, considered as a petition under 37 C.F.R. §1.137(b) to revive the application as having been abandoned due to unintentional delay.

It is noted that the address on the petition is not that of record (set forth above)—while a copy of the instant decision is being forwarded to the address on the petition as a matter of courtesy, in the absence of the filing of an appropriate Notice of Change of Address or other such paper, all correspondence will be directed to the address of record.

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

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. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply to the Notice of Allowance/Allowability and Fees Due mailed on 12 May, 2008, with reply due under a non-extendable deadline on or before 12 August, 2008.

For the purposes of defining who was/is in a position to address the statement of unintentional delay, it is noted that Petitioner filed, *inter alia*, a Revocation/Power of Attorney (with a certificate under 37 C.F.R. §3.73(b)), but did not do so until 14 August, 2008.

The instant application went abandoned by operation of law after midnight 12 August, 2008. It does not appear that the Office mailed a Notice of Abandonment before the instant petition was filed.

On 14 August, 2008, Petitioner filed the instant petition with fee pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, a reply in the form of fees due, and made the statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] *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 C.F.R. §1.137(b) was unintentional, Petitioner ***must*** *notify the Office.*

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 are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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[1] See 37 C.F.R. §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).

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

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).[3]
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.[4]))

As to Allegations of Unintentional Delay

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

---

[3] 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.

[4] 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.

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[5]) 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

cc:
GARY STANFORD
330 W. OVERLOOK MOUNTAIN ROAD
BUDA, TX 78610

[5] 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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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Ronald Alfred Saracco	:	
Application No. 11/728,830	:	DECISION ON PETITION
Filed: March 27, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 404-241.004	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 10, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant's birth certificate. 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 2856 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

COGNEX CORPORATION
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1 VISION DRIVE
NATICK MA 01760-2077

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DEC 21 2007
OFFICE OF PETITIONS

In re Application of	:	
Robert Shillman et al.	:	ON PETITION
Application No. 11/728,858	:	
Filed: March 27, 2007	:	
Atty Docket No. 104119-0076	:	

This is in response to the "PETITION UNDER 37 C.F.R. §1.57(a)" filed June 20, 2007, requesting that the above-referenced application be accorded a filing date of March 27, 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 27, 2007. However, on May 4, 2007, the Office of Initial Patent Examination mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. (In addition, an oath or declaration in compliance with 37 CFR 1.63 was required).

In response, applicants timely filed this petition (and submitted an executed declaration). Applicants petition to amend the current application to include the Figures that were

[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.

originally filed in the incorporated by reference U.S. Provisional Application Serial No. 60/786,166. Further, applicants supply a copy of the drawing figures from the provisional application. In the alternative, applicants submit their itemized and date-stamped return postcard to show that the application as filed on March 27, 2007 included 3 sheets of Formal Drawings.

Petitioner's arguments and evidence have been considered[2], and it is concluded that the application is entitled to a filing date of March 27, 2007 based on the postcard evidence submitted. A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's return postcard receipt reveals that: 1) the papers filed therewith were date stamped as received in the USPTO on March 27, 2007 and assigned application No. 11/728858; 2) it specifically identifies the items being filed, including "Formal Drawing (3 sheets)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted were filed on March 27, 2007. Thus, the application as filed on March 27, 2007 included drawings and is entitled to a filing date of March 27, 2007.

Accordingly, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee of $400 is being refunded to Deposit Account No. 03-1237, as authorized.

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[2] It is noted that, absent the postcard evidence, it would be controlling that the application as filed included at least one method claim. Accordingly, as stated in MPEP 601.01(f) , this application should have been treated as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The application would have been accorded a filing date with no drawings present in the application. No petition would have been required. Thereafter, applicants would have been able to submit an amendment pursuant to 37 CFR 1.182 based on the explicit incorporation by reference of the drawings present in the provisional application. An amendment under 37 CFR 1.57(a) would have been deficient given applicants did not state that the drawings were inadvertently omitted as required by the rule. Nonetheless, pursuant to 1.182 and based on the explicit incorporation by reference statement, applicants would have been able to file an amendment to be considered by the examiner requesting that the omitted drawings be entered based on the incorporation by reference statement.

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 27, 2007, including the 3 sheets of drawings re-supplied on petition filed June 20, 2007**;
- **for indication in Office records, as appropriate, that "3" sheets of drawings were present on filing**;
- **for processing of the declaration filed June 20, 2007**; and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

Charles Pearson
Director
Office of Petitions

06-21-07

OIPE IAP88 JUN 20 2007 PATENT & TRADEMARK OFFICE

PATENTS
104119-0076
104119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:

Serial No.: 11/728,858

Filed: March 27, 2007

For: VIDEO TRAFFIC MONITORING AND SIGNALING APPARATUS

Examiner: Not yet assigned

Art Unit: Not yet assigned

Confirmation No.: Not yet assigned

Void date: 12/21/2007 CKHLOK
12/21/2007 CKHLOK 00000033 031237 11728858
01 FC:1462 400.00 CR

Adjustment date: 12/21/2007 CKHLOK
06/22/2007 RMEBRAHT 00000077 11728858
01 FC:1462 -400.00 OP

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
June 20, 2007

Express Mail Mailing-Label Number: EL 736231813 US

Repln. Ref: 12/21/2007 CKHLOK 0014314200
DA8:031237 Name/Number:11728858
FC: 9204 $400.00 CR

PETITION UNDER 37 C.F.R. §1.57 (a)

This Petition is filed in response to a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION mailed May 4, 2007 indicating that the application was filed without figures and that the oath/declaration is missing.

A copy of the signed declaration is filed herewith.

The current application claims priority to and incorporates by reference U.S. Provisional Application Serial No. 60/786,166, which was filed on March 27, 2006, by David Schatz and Robert Shillman for a VIDEO TRAFFIC MONITORING AND SIGNALING APPARATUS. U.S. Provisional Application Serial No. 60/786,166 was on file with the USPTO and included the Figures as of March 27, 2007.

Applicants hereby petition under 37 C.F.R. §1.57(a) to amend the current

06/22/2007 RMEBRAHT 00000077 11728858
01 FC:1462 400.00 OP

12/21/2007 CKHLOK 00000033 031237 11728858
01 FC:1462 400.00 DA

application to include the Figures that were originally filed in the incorporated by reference U.S. Provisional Application Serial No. 60/786,166. A copy of the Figures are enclosed.

Applicants hereby petition that the present application be accorded the filing date of March 27, 2007, with a priority claim to the provisional application filed on March 27, 2006 as a complete application was on file with the USPTO as of March 27, 2007.

A check in the amount of $400.00, representing the petition fee under 37 C.F.R. §1.17(f) is enclosed.

In the alternative, the present application should be accorded the filing date of March 27, 2007 as the Applicants received a return receipt postcard from the USPTO signifying receipt of the Figures. The present application was filed with the USPTO on March 27, 2007 using Express Mail. A return receipt postcard was included that indicated that 3 sheets of Formal Drawings were included. On April 6, 2007 the return receipt postcard was received at the law firm of Cesari and McKenna, LLP with a USPTO sticker attached signifying receipt by the USPTO on March 27, 2007. The returned postcard was not marked in any way to indicate that the Figures were not included with the filed application. A photocopy of the returned postcard is enclosed.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

Duane H. Dreger
Reg. No. 48,836
CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210
Telephone: (617) 951-2500
Facsimile: (617) 951-3927

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

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 12/14/07

2 Serial/Patent # 11/728858

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition	IFW	06/20/07	$ 400.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 400.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 0 3 -- 1 2 3 7

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Given the basis for granting the petition, the fee is refundable. See 1.53(e)(2).

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Nancy Johnson TITLE: Sr. Petitions Attorney

SIGNATURE: PHONE: 571-272-3219

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKhlok DATE: 12/21/07

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

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

FORM PTO 1577
(01/90)

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SEP 19 2007

OFFICE OF PETITIONS

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of Antoine and Kasapidis Application No.: 11/728,867 Filed: March 27, 2007 Attorney Docket No:GJE-103US For: PRIVACY PROTECTION FOR MOBILE INTERNET PROTOCOL	: : : : : :	DECISION ACCORDING STATUS UNDER RULE 47(b)

This is in response to the petition under 37 CFR 1.47(b), filed August 22, 2007.

The petition is **GRANTED**.

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

The above-identified application was filed on March 276, 2007, without a properly executed oath or declaration. On April 18, 2007, the Office of Initial Patent Examination issued a Notice to File Missing Parts of Nonprovisional Application requiring a properly executed declaration, and payment of a surcharge. The notice allowed an extendable period for reply of two-months from its mailing date. The instant petition was filed on August 22, 2007, along with a request for an extension of time within the second month.

By the instant petition and evidentiary documents, petitioner has established that the inventors cannot be located to join the prosecution of the application and that the 37 CFR 1.47(b) applicant has sufficient proprietary interest to proceed with prosecution of the application without the inventors.

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MACPHERSON KWOK CHEN & HEID, LLP
2033 GATEWAY PLACE, SUITE 400
SAN JOSE, CA 95110

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SEP 17 2008

In re Application of	:	
Seymour A. RAPAPORT, et al	:	
Application No. 11/728,881	:	DECISION ON PETITION
Filed: March 27, 2007	:	TO WITHDRAW
Attorney Docket No. M-16883-1D US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed August 15, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Gideon Gimlan 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 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SEYMOUR A. RAPAPORT
1050 CROOKED CREEK DRIVE
LOS ALTOS, CA 94024

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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MCDERMOTT, WILL & EMERY
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO, CA 92130-2047

Mail Date: 04/20/2010

Applicant	: John C. Reed	: DECISION ON REQUEST FOR
Patent Number	: 7626001	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/728,892	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Ronald Ho	: DECISION ON REQUEST FOR
Patent Number	: 7646984	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/728,915	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **459** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KRAGULJAC & KALNAY
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE, OH 44131

Mail Date: 04/20/2010

Applicant	: Robert Maciunas	: DECISION ON REQUEST FOR
Patent Number	: 7616735	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/728,927	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 06/30/2010

Applicant	: Mahalingam Nandakumar	: DECISION ON REQUEST FOR
Patent Number	: 7638402	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/728,928	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **366** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET
SECOND FLOOR
PALO ALTO CA 94306

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OFFICE OF PETITIONS

In re Application of Carl et al. Application No. 11/728,951 Filed: March 26, 2007 Attorney Docket No. PEN-101/CIP Title: Implement for Optically Inferring Information from a Jotting Surface and Environmental Landmarks	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition filed November 19, 2007 under 37 CFR. §1.47(a).

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

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

The above-identified application was filed on March 26, 2007, without an executed oath or declaration. Accordingly, on April 18, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of June 18, 2007.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make timely a five month extension of time and fee were submitted.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing

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

As to item (1), before a refusal can be alleged, applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. See MPEP 409.03(d).

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.

Although petitioner has provided an e-mail indicating that Stewart Carl, through his attorney has refused to execute the application papers, petitioner has failed to establish that the application papers were presented to either inventor Carl or his purported counsel.

As to item (2), the declaration contains alterations. Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a).

It should further be noted that the 37 CFR 3.73(b) statement provided is incomplete. The statement fails to provide the reel and frame number, or provide a chain of title from the inventors to the current assignee. As such the Power of Attorney and Correspondence Address will not be entered. A courtesy copy will be mailed to petitioner. However, all further correspondence will be directed to the correspondence address of record.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Electronic Scripting Products, Inc (ESP)
555 Bryant Street, # 142
Palo Alto, CA 94301

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Electronic Scripting Products, Inc. (ESPi)
555 Bryant Street, #142
Palo Alto CA 94301

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MAR 26 2008

In re Application of	:	
Carl Stewart, Michael Mandella, Hector Gonzalez-Banos, Timothy Hawks and Marek Alboszta	:	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)
Application No. 11/728, 951	:	
Filed: March 26, 2007		
Attorney Docket No. PEN-101/CIP		

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 19, 2008 and supplemented on March 20, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Stewart 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 Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding 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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Carl Stewart
2334 Amherst Street
Palo Alto, CA 94306

COPY MAILED
MAR 26 2008

In re Application of
Carl Stewart, Michael Mandella, Hector Gonzalez-Banos,
Timothy Hawks and Marek Alboszta
Application No. 11/728, 951
Filed: March 26, 2007
Attorney Docket No. PEN-101/CIP

Dear Mr. Stewart:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: Electrnonic Scripting Products, Inc. (ESPi)
555 Bryant Street, #142
Palo Alto CA 94301
ATTN: Marek Alboszta

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

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MAY 13 2010

OFFICE OF PETITIONS

In re Application of
Martin Ian Cooper et al
Application No. 11/728,966
Filed: March 27, 2007
Attorney Docket No. DGZ-021

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment/election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement mailed August 6, 2009, is accepted as having been unintentionally delayed.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the

petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received February 26, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

THOMAS M. SOSSONG JR.
MORGAN, LEWIS & BOCKUS, LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 26 2007

OFFICE OF PETITIONS

MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS MO 63167

In re Application of	:	
Michael D. Edgerton et al.	:	DECISION ON PETITION
Application No. 11/728,976	:	PURSUANT TO
Filed: March 27, 2007	:	37 C.F.R.
Attorney Docket No. 38-21(54192)B	:	§ 1.53(e)(1)
Title: METHODS OF PRODUCING AND	:	
USING COLD TEMPERATURE TOLERANT	:	
PLANTS, SEEDS, AND CROPS	:	

This is a decision on the "Petition to Include Inadvertently Omitted Drawing" filed June 29, 2007, requesting that the above-referenced application be accorded a filing date of March 27, 2007. This petition is being treated pursuant to 37 C.F.R. § 1.53(e)(1)[1].

Application papers in the above-identified application were deposited on March 27, 2007. However, on May 1, 2007, the

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.

Initial Patent Examination Division mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant, *inter alia*, that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicant timely filed this petition. In which, Petitioner acknowledges inadvertently omitting a drawing on submission of the present application. Petitioner argued, however, that "the inadvertently omitted drawing is completely contained in provisional application number 60/786,346 as Figure 1," and that the filing date of March 27, 2006, should still be accorded pursuant to 37 C.F.R. § 1.57(a)(3).

It is noted that the present application claims the benefit of provisional application number 60/786,346, and the contents of the same have been incorporated by reference.

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.

Although Petitioner has submitted a drawing that is labelled "Figure 1," it does not appear that Petitioner has submitted an amendment directing the entry of the same. Petitioner may wish to submit this amendment. Any such amendment will, of course, be reviewed by the examiner for new matter[2]. The examiner will compare the figure supplied on June 29, 2007, to Figure 1 contained in prior provisional application No. 60/786,346 in order to verify that it is an accurate copy of the figure contained therein and that it contains no new matter.

The amendment is not new matter if the substance was a part of the disclosure of provisional application 60/786,346.

To the extent the present petition requests a filing date of March 27, 2006 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. 13-4125, as authorized, in due course.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to March 27, 2007**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
- **for issuance of a filing receipt**.

The general phone number for OPAP is 571-272-4000. Telephone

---

2 See MPEP 608.02(h) and 608.04.

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

Paul Shanoski
Senior Attorney
Office of Petitions

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MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E1NA)
ST. LOUIS, MO 63167

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NOV 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael D. Edgerton, et al.	:	
Application No. 11/728,976	:	DECISION GRANTING PETITION
Filed: March 27, 2007	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 38-21(54192)B	:	

This is a decision on the petition, filed November 24, 2009, 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 regarding 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
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DIW Dec-08

Jovan N. Jovanovic
The Watson Intellectual Property Group, PLC
Suite 200
3133 Highland Drive
Hudsonville MI 49426

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OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Alistair Fraser Moore	:	TO WITHDRAW HOLDING OF
Application Number: 11/728980	:	ABANDONMENT
Filing Date: 03/27/2007	:	
Attorney Docket Number: FLY-071522	:	

This is a decision on the "PETITIN TO REVIVE INCORRECTLY ABANDONED CASE," filed on November 20, 2008, which is treated as a petition under 37 CFR 1.811 to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to timely submit a reply to the non-final Office action mailed on April 3, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 22, 2008.

Petitioner asserts that a timely reply was in fact filed. In support of the petition, petitioners submitted a copy of a date-stamped post card receipt acknowledging receipt of, *inter alia*, a Response to Office action and Petition for Extension of Time and payment of the fee. The postcard has an "Office date" stamp of October 15, 2008, and identifies the application by application number, filing date, inventor's last name, and invention title. Additionally, petitioner has submitted a copy of the amendment asserted to have been previously timely filed with the present petition.

Petitioner's response, to the non-final Office action mailed on April 3, 2008, including the petition for a three (3)-month extension of time and payment of the fee therefor, has been located in the official file.

The date of receipt of the reply of October 15, 2008, is after the due date for the response. However, under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and

deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The reply bears a proper certificate of mailing, dated October 3, 2008, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above, signed by petitioner's registered patent practitioner, Jovan N. Jovanovic. Consequently, there was 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 Technology Center Art Unit 3782 for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
Benjamin Oshlack et al.	:	DECISON ON PETITION
Application No. 11/728,983	:	
Filed: March 26, 2007	:	
Attorney Docket No. 6750-413-999		

This is a decision on the petition under 37 CFR 1.137(b), filed October 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 16, 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 17, 2009. A Notice of Abandonment was mailed on October 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b), (2) the petition fee of $1,620 and (3) a proper statement of unintentional delay. Accordingly, the filing of a continuing application under 37 CFR 1.53(b) is accepted as being unintentionally delayed.

The application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of a continuing application under 37 CFR 1.53(b).

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement

required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

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 $1,110 extension of time fee submitted with the petition on October 27, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

Carl Friedman
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Thomas Rumpf	: DECISION ON REQUEST FOR
Patent Number	: 7651784	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/728,987	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **473** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

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SEP 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Takeshi Miyakawa	:	
Application No. 11/728,997	:	DECISION ON PETITION
Filed: March 27, 2007	:	
Attorney Docket No. 005579.114839	:	

This is a decision on the petition, filed July 20, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 30, 2008, which set a three (3) month period for reply. Three month (3) extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before June 30, 2009.

Office record show a timely reply was mailed via certificate of mailing on June 30, 2009, which included the following papers: amendment; and three month (3) extension of time. Petitioner has submitted a copy of the previously mailed correspondence.

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 December 30, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3636 for appropriate action in the normal course of business on the reply received on July 6, 2009 (certificate of mailing, June 30, 2009).

Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/17/09

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 11729004 Patent No.: 7573641

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.

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

Comments: _____

/Ricky Mack/

AU 2873

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OFFICE OF PETITIONS

RICHARD L. ENGLISH
6727 E. SWARTHMORE DR.
ANAHEIM HILLS CA 92807

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FEB 25 2008

OFFICE OF PETITIONS

In re Application of	:	
ENGLISH, Richard Le Roy	:	
Application No. 11/729,014	:	DECISION ON PETITION
Filed: March 29, 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 29, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the declaration of inventor Richard Le Roy English, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

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

The application is being forwarded to the Technology Center Art Unit 3723 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE, SUITE 314
HILLSBORO OR 97124

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OFFICE OF PETITIONS

In re Application of	:	
Morgan T. Johnson	:	
Application No. 11/729,039	:	ON PETITION
Filed: March 27, 2007	:	
Attorney Docket No. Octavian. P027	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 27, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a Declaration by the applicant that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2829 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 05/10/2010

Applicant	: Lynn F. Kroll	: DECISION ON REQUEST FOR
Patent Number	: 7644738	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/729,041	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **81** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/729,105	03/28/2007	Todd Steven Marshall	10060061-1	4659

EXAMINER

7590 12/11/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

ART UNIT	PAPER NUMBER
3672	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2009 NFARMER
03/30/2007 EAYALEW1 00000029 521078 11729105
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

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JUN 11 2010

OFFICE OF PETITIONS

In re Application of	:	
Olsen, et al.	:	
Application No. 11/729,132	:	DECISION
Filed: 27 March, 2007	:	ON PETITION
Attorney Docket No.: 088245-6120	:	

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 23 October, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §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 C.F.R. §1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and §119(e) and 37 C.F.R.§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 37 C.F.R. §1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and §1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) above.

On deposit on 27 March, 2007, the instant application did not include an incorporation by reference of the Provisional Application No. 60/604,853, filed 25 August, 2004, and No. 60/695,946, filed 1 July, 2005. Nonetheless, Petitioner has submitted an amendment which seeks to do so now. Such is not a proper amendment.

Application No. 11/757,329

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 C.F.R. §1.78(a)(2)(i) and under 37 C.F.R. §1.78(a)(5)(i).

Accordingly, the petition under 37 CFR 1.78(a)(3) is **dismissed**.

This matter is being referred to Technology Center/AU 2878 for further processing in due course.

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

Chris Bottorff
Supervisory 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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JUL 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony D. Kurtz	:	
Application No. 11/729,151	:	DECISION ON PETITION
Filed: March 28, 2007	:	TO WITHDRAW
Attorney Docket No. KULITE-89-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 and February 29, 2008.

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

A review of the file record indicates that the power of attorney to Howard IP Law Group has been revoked by the applicant of the patent application on May 28, 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: THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/729,151	03/28/2007	Anthony D. Kurtz	KULITE-89-CON

CONFIRMATION NO. 5967

76248
The Plevy Law Firm
10 Rutgers Place
Trenton, NJ 08618

POA ACCEPTANCE LETTER

OC000000030947661

Date Mailed: 07/14/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/28/2008.

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

/amwise/

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

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OFFICE OF PETITIONS

FRANCISSEN PATENT LAW, P.C.
65 W. JACKSON BLVD
SUITE # 138
CHICAGO IL 60604

In re Application of	:	
JENKINS, Williams W.	:	
Application No. 11/729,158	:	DECISION ON PETITION
Filed: March 28, 2007	:	TO WITHDRAW
Attorney Docket No. **CTY06-001US**	:	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 04, 2009.

The request is **APPROVED**.

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

The request was signed by Vernon W. Francissen on behalf of all attorneys of record who are associated with customer No. 54384. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **WILLIAM W. JENKINS**
25W711 BIRCH COURT
WHEATON, ILLINOIS 60187

cc: **CLARITY COMMUNICATION SYSTEM, INC.**
c/o BARB OLLIGES, CONTROLLER
2640 WHILE OAK CIRCLE, SUITE C
AURORA, IL 60502

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HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc.
2055 Gateway Place
Suite 550
San Jose, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Apurva Rameshchandra Jadhav	: DECISION ON REQUEST FOR
Patent Number	: 7636713	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/729,203	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS, LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

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JUN 16 2010

OFFICE OF PETITIONS

In re Application of
Hiroyuki Miyaki, et al.
Application No. 11/729,216
Filed: March 28, 2007
Attorney Docket No. 0553-0576

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 6, 2010, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 5, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 5, 2010. Accordingly, the date of abandonment of this application is May 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

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

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CUMMINGS & MEHLER LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Takashi Hamada et al	:	
Application No. 11/729,241	:	DECISION GRANTING PETITION
Filed: March 28, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0553-0299.02	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 16, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 19, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of
Popko, et al. :
Application No. 11/729,242 : DECISION ON PETITION
Filed: 27 March, 2007 :
Attorney Docket No. 28890-705.301 :

This is a decision on the petition filed on 25 June, 2007, and considered under 37 C.F.R. §1.53.

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

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

BACKGROUND

The instant application was deposited on 27 March, 2007.

On 24 April, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items (to wit: "Figure(s) 1 described in the specification"), and thus, the application had been accorded a filing date without that figure.

OIPE indicated that Petitioner might:

- contend via petition that Figure(s) 1 described in the specification had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawing; or

- submit the figure(s) missing and accept the date of submission as the filing date of the application.

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

On 25 June, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of Figure(s) 1 described in the specification, along with a copy of Petitioner's date-stamped ("032707") receipt card.

ANALYSIS

A search of the official file reveals that:

- on 27 March, 2007, Petitioner deposited the instant application;

- the Office record reflects that Figure(s) 1 described in the specification was missing upon deposit.

- the date-stamped ("032707") receipt card evidences—in pertinent part–the following:

* * *

x Drawings 37 pages (Emphasis supplied)

***

Please Stamp and Return this Postcard to Confirm Receipt of the Above

***

Because Petitioner's receipt card adequately itemized on the receipt card the contents of the application as to the pages deposited, it is concluded that the application, including Figure(s) 1 described in the specification, was deposited with the Office on 27 March, 2007, and Figure(s) 1 described in the specification subsequently was misplaced in the Office.

Accordingly, the application, including Figure(s) 1 described in the specification, is entitled to a filing date of 27 March, 2007.

The Notice mailed on 24 April, 2007, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed omitting Figure(s) 1 described in the specification.

CONCLUSION

The petition is **granted**; the petition fee waived and is to be refunded via credit to Deposit Account 23-2415.

This application is released to OIPE for further processing with a filing date of 27 March, 2007, for the entire application including Figure(s) 1 described in the specification, with pages 1 – 83 of the specification (description, claims, abstract), and 37 sheets of drawings described in the specification, using:

- **pages 1 – 83 of the specification (description, claims, abstract) and 36 sheets of drawings (Figs. 2 - 37) deposited on 27 March, 2007; and**
- **1 sheet of drawings (Figure(s) 1) described in the specification deposited on 25 June, 2007; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 27 March, 2007, and reflecting therein that 83 pages of specification (description, claims, abstract) and 37 sheets of drawings (Figs. 1 - 37) were present on filing.

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

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

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

§1.2 Business to be transacted in writing.

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

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OFFICE OF PETITIONS

In re Application of
Brian Popko et al.
Application No. 11/729,242
Filed: March 27, 2007
Attorney Docket No: 28890-705.301

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

This is a decision on the petition under 37 CFR 1.78(a)(3) filed April 28, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 11/431,372 filed May 9, 2006.

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 Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to

an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

The specification provided on filing did not incorporate by reference non-provisional application no. 11/431,372 as does the amendment filed

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40I Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Chris Bottorff
Supervisor
Office of Petitions

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CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

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OFFICE OF PETITIONS

In re Application of
Wen Hung CHIANG
Application No. 11/729,259
Filed: March 27,2007
Attorney Docket No. 17080 B (5522 BN)

DECISION ON PETITION

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 26, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 26, 2007. Accordingly, the date of abandonment of this application is February 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720 and the publication fee of $300, (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

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

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

Richard Knight for
David Bucci
Petitions Examiner
Office of Petitions

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CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO, CA 92691

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In re Application of
Stephan H. Wolf
Application No. 11/729,303
Filed: March 27, 2007
Attorney Docket Number: **212/997**

ON PETITION

This is a decision on the petition filed June 5, 2008, to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

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

A Notice to File Missing Parts was mailed April 17, 2007 requiring the filing of the basic filing fee. The file record discloses that the Notice was mailed to the Attorney listed on the Declaration filed with the application on March 27, 2007. No response having been filed to the April 17, 2007 Notice, the application became abandoned June 19, 2007. Accordingly, a Notice of Abandonment was mailed December 27, 2007.

Petitioner argues non receipt of the Notice because the Declaration filed with the application is that of the parent application, however, petitioner further argues that a Power of Attorney was also filed with the application which identified the Attorneys of Record and correspondence address as that associated with customer number 23371.

The information regarding the attorneys of record and the correspondence address was taken directly from the Declaration and not from the Power of Attorney filed on even date and thus, the Notice was not received as claimed by the petitioners.

In view of the above, however, the Notice of Abandonment is withdrawn. No petition fees are due and none have been charged.

This matter is being referred to the Office of Patent Application Processing for a re-mailing of the Notice to File Missing Parts originally mailed April 17, 2007.

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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of

LEATT, Mark R. et al.
Application No. 11/729,317
Filed: March 28, 2007
Attorney Docket No. **11891-93**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 04, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to BRINKS HOFER GILSON & LIONE has been revoked by the assignee of the patent application on September 19, 2008 and is not accepted. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is dismissed.

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 August 19, 2008 does not include one of the above two options.

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 Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MORGAN LEWIS & BOCKIUS LLP**
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

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IAN C MCLEOD PC
2190 COMMONS PARKWAY
OKEMOS MI 48864

In re Application of	:	
Asmussen, et al.	:	
Application No. 11/729,332	:	DECISION REFUSING STATUS
Filed: March 28, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. MSU 4.1-855	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 17, 2007.

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

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration **after having been presented with the application papers (specification, claims and drawings)**; (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy item (1).

As to item (1), the petition and accompanying evidence have been carefully considered. However, it has not been demonstrated that a copy of the application papers (comprising the specification, claims, and drawings) was sent to the non-signing inventor. Rather, the petition only establishes that copies of the declaration/power of attorney and assignment documents were forwarded to the last known address of non-signing inventor Wen-Shin. There is no indication that the letter was returned as undeliverable; accordingly, it is concluded that Wen-Shin is still at the last known address.

Regarding an inventor's refusal to join in the application, Manual of Patent Examining Procedure § 409.03(d) states:

> It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 U.S.P.Q. 80 (Comm'r Pat. 1956).

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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JAN 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Asmussen, et al.	:	
Application No. 11/729,332	:	DECISION REFUSING STATUS
Filed: March 28, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. MSU 4.1-855	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 13, 2007.

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

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration **after having been presented with the application papers (specification, claims and drawings)**; (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy item (1).

As to item (1), the petition and accompanying evidence have been carefully considered. However, it has not been demonstrated that a copy of the application papers (comprising the specification, claims, and drawings) was sent to the non-signing inventor. Rather, the petition only establishes that copies of the declaration/power of attorney and assignment documents were forwarded to the last known address of non-signing inventor Wen-Shin. There is no indication that the letter was returned as undeliverable; accordingly, it is concluded that Wen-Shin is still at the last known address.

Regarding an inventor's refusal to join in the application, Manual of Patent Examining Procedure § 409.03(d) states:

> It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 U.S.P.Q. 80 (Comm'r Pat. 1956).

As such, before the petition can be granted, a copy of the application papers (specification, claims, drawings) should be forwarded to the last known address of Wen-Shin Huang. If after a reasonable period of time the executed oath or declaration is not returned, this can be construed as a refusal by Huang to sign the application papers.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Asmussen, et al.	:	
Application No. 11/729,332	:	DECISION ACCORDING STATUS
Filed: March 28, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. MSU 4.1-855	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 27, 2008.

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

With the instant renewed petition, petitioner has established that Wen-Shin Huang was forwarded a copy of the application papers to her last known address. However, as of the date of the petition, no executed declaration was returned from Huang.

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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WEN-SHIN HUANG
148 CHERRY TREE LANE
CHERRY HILL NJ 08002

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MAY 27 2008

OFFICE OF PETITIONS

LETTER

In re Application of
Jes Asmussen, Wen-Shin Huang
Application No. 11/729,332
Filed: March 28, 2007
Title: Process for Synthesizing
Uniform Nanocrystalline Films

Dear Ms. Huang:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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TESSARI & ASSOCIATES, PLLC
215 N. OLIVE SREET
MEDIA PA 19063

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OFFICE OF PETITIONS

In re Application of	:	
Bruce, et al.	:	
Application No. 11/729,346	:	DECISION
Filed: 28 March, 2007	:	
Attorney Docket No. TRED15	:	

This is a decision on the petition, filed on 19 March, 2009, for revival of an application abandoned due to unavoidable delay under 37 C.F.R. §1.137(a)—and in light of the averment of nonreceipt is considered as a request for withdrawal of the holding of abandonment pursuant to 37 C.F.R. §1.181.

The petition under 37 C.F.R. §1.137(a) is **DISMISSED**; and the petition under 37 C.F.R. §1.181 is **DISMISSED**.

Any further petition to revive 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(a)."

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

If Petitioner does not have the documentary support required herein, Petitioner's only alternative is to file a petition pursuant to 37 C.F.R. §1.137(b), discussed below.

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioner does not appear to have satisfied the showing requirements as to unavoidable delay (*see*: MPEP §711.03(c), to wit: to support with documentary evidence the averment of unavoidable delay (his nonreceipt).

As to the Request to Withdraw
the Holding of Abandonment

Petitioner's attention is directed to the guidance in the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to satisfy the showing requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

Petitioners' attentions always are directed to the guidance set forth in the Commentary at MPEP §711.03(c)(I)—and with particularity to the requirements therein including statements of non-receipt at the address of record, search and non-discovery, with a description of docketing system and a statement of its reliability, and support for those the statements with copies of the docket record/file jacket cover and due date calendar/docket. (Further, the regulations at 37 C.F.R. §1.181 require that a Petitioner seek relief thereunder within two (2) months of the act complained of.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the 5 August, 2008, non-final Office action, with reply due absent extension of time on or before 5 November, 2008.

The application went abandoned after midnight 5 November, 2008.

Petitioner filed a Notice of Change of Address and/or Revocation/Power of Attorney on 11 September, 2008.

The Office mailed the Notice of Abandonment on 12 March, 2009.

On 19 March, 2009, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(a), averring unavoidable delay, with a reply in the form of an amendment. Further, Petitioner argues that:

- Petitioner's delay was unavoidable because the file was being transferred from prior Counsel to Petitioner at the time of the non-final Office action; and

- An Email, which Petitioner avers was included but does not appear to be contained in the petition submission, from prior Counsel confirms their nonreceipt.

As one registered to practice before the Office, Petitioner is aware that:

- one is required to Notice the Office of a change of address prior to the event;

- failure to receive Office actions because Petitioner failed to properly and timely Notice the Office of such changes do not constitute unavoidable delay;

The showings required to prevail on a request for relief pursuant to 37 C.F.R. §1.137(a) or to obtain relief on an averment of nonreceipt pursuant to 37 C.F.R. §1.181 can be found at the guidance in the Commentary at MPEP §711.03(c)(I): http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c ; and the showing requirements for relief pursuant to 37 C.F.R. §1.137(a) can be found at the guidance in the Commentary at MPEP §711.03(c)(II): also located at http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c .

The requirement of diligence in practice before the Office dates back more than a century, to wit: "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.[1] (Emphasis supplied.)

Petitioner's attention is directed to the guidance in the Commentary at MPEP §711.03(c)(I)) generally to satisfy the mandated showings pursuant to 37 C.F.R. §1.181:

***

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

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

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[2]

***

Thus, as indicated earlier in this decision (see the discussion immediately before and within the BACKGROUND and with more particularity the excerpt from the MPEP, above), the guidance in the Commentary at MPEP §711.03(c)(I)) sets forth a particular set of statements (e.g., docketing system sufficiently reliable) and documents (e.g., due-date calendar/due-date docket for the firm) that must be provided by Petitioner to satisfy the mandated showings pursuant to 37 C.F.R. §1.181. This Petitioner has failed to do.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and 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.[3]

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.

---

[2] *See*: MPEP §711.03(c) (I)(A).

[3] 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).

STATUTES, REGULATIONS

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).

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.[4]

As to Allegations of Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) have not been satisfied as of this writing in that Petitioner failed to make the showing of unavoidable delay and provide a reply to the Office action as required.

As of this writing Petitioner has failed to support the allegation of unavoidable delay.

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

---

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

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(a) is **dismissed**; and the petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, 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 a terminal disclaimer and fee where appropriate. (The statement is in the form available online.)

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 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[5]) 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

[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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215 N. OLIVE STREET
MEDIA, PA 19063

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of :
Stephen D. Bruce et al :
Application No. 11/729,346 :
Filed: March 28, 2007 :
Attorney Docket No. TRED15 :

ON PETITION

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 non-final Office action mailed August 5, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 6, 2008.

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

This matter is being referred to Technology Center AU 1794 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

Kevin E. McVeigh
RHODIA INC.
CN 7500
8 Cedar Brook Dr.
CRANBURY NJ 08512-7500

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AUG 27 2008

In re Application of	:	
Jean-Paul Chapel et al.	:	
Application No. 11/729,376	:	DECISION ON PETITION
Filed: March 28, 2007	:	PURSUANT TO
Attorney Docket No. RD 06006	:	37 C.F.R. § 1.78(A)(6)
Title: MODIFIED SURFACES AND	:	
METHOD FOR MODIFYING A SURFACE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(6), filed August 1, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the declaration filed with the application.

Where a claim for priority under 37 C.F.R. § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to

accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 C.F.R. §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the petition fee is unnecessary and has not been charged to Petitioner's Deposit Account.

The application is being forwarded to Technology Center AU 1794 for appropriate action on the amendment filed August 1, 2008, including 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. **The examiner will note that the amendment contains a typographical error, in that the last two digits of the serial number of the provisional application, to which priority has been claimed, have been transposed.**

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225[2]. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

---

1 *Note* MPEP § 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON MA 02199

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DEC 07 2007

OFFICE OF PETITIONS

In re Application of :
AARON T. TIMPERMAN :
Application No. 11/729,437 :
Filed: March 28, 2007 :
Attorney Docket No. 2014(222085) :

ON PETITION

This is in response to the petition under 37 CFR 1.57(a), filed July 13, 2007, requesting that the above-referenced application be accorded a filing date of March 28, 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 28, 2007. However, on May 2, 2007, the Office of Patent Application Processing mailed applicant a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings. Additionally, the Notice indicated that an oath or declaration was missing. In response, applicant timely filed this petition. Applicant requests that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed included an Application Data Sheet, which contained a proper prior benefit claim under 37 CFR 1.78.

Applicant'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 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.

[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.

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 28, 2007, with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee and the extension of time fee are being refunded.

Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to March 28, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing, and;**
- **for issuance of a filing receipt.**

Entry of the amendment filed July 13, 2007, will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Charles A. Pearson
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/729,481	03/29/2007	Stephen James	JUD1.PAU.01	5646

7590 06/03/2009

Michael Zarrabian, Esq.
Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd., 11th Floor
Irvine, CA 92612

EXAMINER
KLAUS, LISA NHUNG

ART UNIT	PAPER NUMBER
2832	

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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
06/04/2009 NFARMER 0000167409

CHECK Refund Total: $450.00

Adjustment date: 06/04/2009 NFARMER
04/02/2007 LWONDIM1 00000012 11729481
02 FC:2111 -250.00 OP
04 FC:2202 -200.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ExxonMobile Chemical Company
Law Technology
P.O. Box 2149
Baytown, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Larry L. Iaccino	: DECISION ON REQUEST FOR
Patent Number	: 7659437	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/729,559	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **288** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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P.O. Box 10395
Chicago IL 60610

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,493,934 :
Issue Date: February 24, 2009 :
Application No. 11/729,614 :
Filed: March 29, 2007 :
Attorney Docket No. UBAT1760-1/1372.1 :

This is a decision on the petition filed January 28, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Charlema Grant
Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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CORNING CABLE SYSTEMS LLC
C/O CORNING INC., INTELLECTUAL PROPERTY DEPARTMENT
SP-TI-3-1
CORNING, NY 14831

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AUG 1 8 2008

In re Application of	:	
Jonathan M. Brinson, et al.	:	
Application No. 11/729,628	:	ON PETITION
Filed: March 29, 2007	:	
Attorney Docket No. HI07-035	:	

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed April 28, 2008.

It is noted that the person signing the instant petition is not an attorney of record in the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Susan S. Wilks appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The petition is **GRANTED.**

The application became abandoned for failure to pay the issue fee on or before October 23, 2007. A Notice of Abandonment was mailed on November 19, 2007. On February 7, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,440 issue fee and the $300 publication fee; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While 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, 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAMES RICHARDS
58 BONING RD
FAYETTEVILLE TN 37334

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DEC 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Darell Eugene Engelhaupt	:	
Application No. 11/729,653	:	DECISION ON PETITION
Filed: March 29, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 070006	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 29, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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RONALD M. GOLDMAN
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TORRANCE, CA 90503

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
BEGIM, Moshe Y.	:	
Application No. 11/729,695	:	DECISION ON PETITION
Filed: March 28, 2007	:	TO WITHDRAW
Attorney Docket No. 11422	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 3, 2008.

The request is **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 Ronald M. Goldman, the sole attorney of record. Ronald M. Goldman 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 sole named inventor Moshe Begim 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: **MOSHE BEGIM, PRESIDENT**
AVC CORPORATION
20550 S. DENKER AVENUE
TORRANCE, CA 90501

DATE 9-25-07 APPLICATION NUMBER 11-729698

DOC CODE Retdec 01/E DOC DATE 9/26/07

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

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

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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PETERS VERNY , L.L.P.
425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

COPY MAILED

SEP 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Montgomery	:	
Filed: March 28, 2007	:	ON PETITION
Application No. 11/729,698	:	
Atty. Dkt. No.: 3818.02-3D2	:	

This decision is in response to the petition filed May 14, 2007 to accord the above-identified application a filing date of March 28, 2007 with page 25 of the specification as part of the original application as filed.

The application was filed March 28, 2007. The Notice mailed April 19, 2007 indicated that the application had been accorded a filing date but that page 25 of the specification appeared to have been omitted from the application as filed.

In response, petitioner herein argues that the application as deposited included page 25 of the specification and has presented as proof of mailing and proof of receipt of page 25 of the specification a copy of a return postcard date stamped by the Office on March 28, 2007. A copy of the page of specification in question was submitted with the instant petition.

The original of page 25 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 28, 2007 is GRANTED.

Since the original of page 25 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. A refund of the previously submitted $400.00 petition fee has been requested from the Finance Office, Refund Section on behalf of petition and will be issued in due course.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 28, 2007 with page 25 of the specification as part of the application papers 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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OFFICE OF PETITIONS

PETERS VERNY , L.L.P.
425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

In re Application of	:	
Alan Bruce Montgomery	:	
Application No. 11/729,698	:	DECISION ON PETITION
Filed: March 28, 2007	:	TO WITHDRAW
Attorney Docket No. **3818.02-3D2**	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. Therefore, the requested change in the correspondence address is improper.

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

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

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

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

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 06/18/2010

Applicant	: Hugues Thevoux-Chabuel	: DECISION ON REQUEST FOR
Patent Number	: 7663968	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/729,768	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **443** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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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	: Nobuyuki Koganezawa	: DECISION ON REQUEST FOR
Patent Number	: 7614777	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/729,777	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

MAIL

JUN 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
KIM, TAE HUN, et al.	:	DECISION ON REQUEST TO
Application No. 11/729,807	:	PARTICIPATE IN PATENT
Filed: March 30, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 0465-1769PUS1	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 23, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

COPY MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of :
Takada : DECISION ON PETITION
Application No. 11/729,823 :
Filed: March 30, 2007 :
Atty. Dkt. No: 06USFP1555-M.K. :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed January 28, 2009.

The Notice of Abandonment mailed December 15, 2008 indicated that the application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed May 12, 2008. A review of the record reveals that the non-final Office action mailed May 12, 2008 was, for reasons unknown, returned to the Office on May 13, 2008. The non-final Office action was not subsequently remailed.

Petitioner asserts non-receipt of the non-final Office action. Petitioner further asserts that the non-final Office action was returned to the Office on May 13, 2008. The petition is accompanied by supporting documentation to support the contention of non-receipt.

The petition has been carefully reviewed and found convincing. In view thereof, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated.

Further, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

This application is being forwarded to Group Art Unit 3723 for re-mailing of the non-final Office action. The time period for reply to the non-final Office action will be set forth therein.

Telephone inquiries concerning this matter may 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/729,845	03/30/2007	Mitsutake Hasebe	008312-0360682	7869

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

EXAMINER
WERNER, BRIAN P

ART UNIT	PAPER NUMBER
2624	

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.

Patent Publication Branch
Office of Data Management

Adjustment date: 06/21/2009 NFARMER
04/02/2007 SSITHIB1 00000049 033975 11729845
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
Sridhar Kotikalapoodi et al.	:	DECISION REFUSING STATUS
Application No. 11/729,847	:	UNDER 37 CFR 1.47(a)
Filed: March 30, 2007	:	
Attorney Docket No. 1875.9890000	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 30, 2007.

The petition is **dismissed**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) as set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Tivadar Szabo, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Tivadar Szabo. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Tivadar Szabo's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Tivadar Szabo's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

The petition indicates that a package containing the application and declaration was sent to Tivadar Szabo's last known address via Federal Express but the attached Federal Express tracking information merely shows the package was "Left at front door." This is not proof that Tivadar Szabo retrieved and read the contents of the package or that he even still lived at that address.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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

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

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED
MAR 12 2010

In re Application of	:
BRUSSEL et al.	: LETTER REGARDING
Application No. 11/729,865	: PATENT TERM ADJUSTMENT
Filed: March 30, 2007	:
Attorney Docket No. 017399-0215	:

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed January 14, 2010. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the initial Determination of Patent Term Adjustment is **granted**.

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

On October 23, 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 two hundred two (202) days. On January 14, 2010, applicants submitted the instant comment. Applicants did not state a basis for the request for review of the patent term adjustment.

A review of the application history confirms that applicants failed to engage in reasonable efforts to conclude processing of

this application. Pursuant to 37 CFR 1.704(b), the period of adjustment should have been reduced by thirty (30) days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the Notice to File Missing Parts, July 25, 2007, and ending on the date the reply was filed, August 23, 2007.

In view thereof, the patent term adjustment at the time of the mailing of the Notice of Allowance is **one hundred seventy-two (172) days** (293 days of PTO delay - 121 days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the $200.00 fee as set forth in 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

Applicants are reminded that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B) and 35 U.S.C. 154(b)(2)(A).

The Office of Data Management has been advised of this decision. The application is being referred to the Office of Data Management for issuance of the patent.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Day : Thursday
Date: 3/11/2010

PALM INTRANET

Time: 11:49:29

PTA Calculations for Application: 11/729865			
Application Filing Date:	03/30/2007	PTO Delay (PTO):	293
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	91
Post-Issue Petitions:	0	Total PTA (days):	172
PTO Delay Adjustment:	-30		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
38	03/11/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		30	
29	10/23/2009	MAIL NOTICE OF ALLOWANCE			
28	10/22/2009	ISSUE REVISION COMPLETED			
27	10/22/2009	DOCUMENT VERIFICATION			
26	10/22/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
25	10/14/2009	NOTICE OF ALLOWABILITY			
24	10/02/2009	DATE FORWARDED TO EXAMINER			
23	09/18/2009	RESPONSE AFTER NON-FINAL ACTION		91	21
22	09/18/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	03/19/2009	MAIL NON-FINAL REJECTION	293		-1
20	03/16/2009	NON-FINAL REJECTION			
19	08/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
16	01/14/2009	CASE DOCKETED TO EXAMINER IN GAU			
15	12/20/2007	PG-PUB ISSUE NOTIFICATION			
14	09/25/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	08/23/2007	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
12	08/23/2007	REFERENCE CAPTURE ON IDS			
11	08/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	09/17/2007	APPLICATION DISPATCHED FROM OIPE			
9	09/10/2007	SENT TO CLASSIFICATION CONTRACTOR			
8	09/10/2007	APPLICATION IS NOW COMPLETE			
		PAYMENT OF ADDITIONAL FILING			

7	08/23/2007	FEE/PREEXAM			
6	08/23/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	08/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
3	04/17/2007	CLEARED BY OIPE CSR			
2	04/11/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/30/2007	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/729,874	03/30/2007	Hideaki Nakai	008312-0360665	7731

7590 06/25/2010
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
VU, HUY DUY

ART UNIT	PAPER NUMBER
2461	

MAIL DATE	DELIVERY MODE
06/25/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 06/25/2010 NFARMER
04/02/2007 CNEGA1 00000018 033975 11729874
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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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ADAMS AND REESE LLP
1221 MCKINNEY STREET, SUITE 4400
HOUSTON, TX 77010

MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of	:	
AWNI, Riadh M. M.	:	
Application No. 11/729,893	:	DECISION ON PETITION
Filed: March 29, 2007	:	TO WITHDRAW
Attorney Docket No. **15188-2**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 23, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Customer No. 73896 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DAVID M. OSTFELD**
ADAMS AND REESE, LLP
4400 ONE HOUSTON CENTER
1221 MCKINNEY STREET
HOUSTON TX 77010

UNITED STATES PATENT AND TRADEMARK OFFICE

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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

MAILED

APR 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Gadkaree, et al.	:	
Application No. 11/729,895	:	ON PETITION
Filed: March 29, 2007	:	
Docket No. SP06-039	:	

This is a decision on the petition, filed January 6, 2010, under 37 CFR 1.182 requesting withdrawal of a previously filed terminal disclaimer, as it relates to U.S. Patent No. 7,176,528. The $400 petition fee has been received.

The petition is **GRANTED**.

Petitioners assert that the Terminal Disclaimer filed on June 3, 2009 was unnecessary with regard to U.S. Patent No. 7,176,528.

As the examiner has concurred, the request can be favorably considered.

The application is being referred to Technology Center Art Unit 2823 for further processing consistent with this decision.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SP-TI-3-1
CORNING NY 14831

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Dmitri Vladislavovich Kuksenkov et al. :
Application No. 11/729,896 :
Filed: March 29, 2007 :
Attorney Docket No. SP07-059 :

ON PETITION

This is in response to the petitions pursuant to 37 CFR 1.181, filed August 28, 2008, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On April 1, 2008, the Office mailed a Notice of Allowance/Allowability, which set a three month statutory period to reply. The application became abandoned on July 2, 2008, for failure to submit a timely response. On August 1, 2008, the Office mailed a Notice of Abandonment.

The Notice of Abandonment indicates "The submitted fee of $0 is insufficient". Office records show that on April 10, 2008 there were insufficient fees in applicant's deposit account for the issue and publication fees. Therefore, the total amount of the issue and publication fees, $1,740 could not be accessed from applicant's deposit account and were thus not timely filed. The fees remain unpaid.

Petitioner may wish to file a petition under 37 CFR 1.137 to revive an unintentionally abandoned 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 FAX: (571) 273-8300
Attn: Office of Petitions

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-6842.

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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Alexandria, VA 22313-1450
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DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Dmitri Vladislavovich et al. :
Application No. 11/729,896 : ON PETITION
Filed: March 29, 2007 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed April 1, 2008, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on July 2, 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 the issue and publication fee payment; (2) the petition fee of $1,620; and (3) the required statement of unintentional delay have been received. Accordingly, the issue and publication fee payment is accepted as having been unintentionally delayed.

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

The application file is being referred to the Office of Data Management.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

COPY MAILED

NOV 16 2009

OFFICE OF PETITIONS

In re Application of	:	
C. Harry Knowles, et al.	:	
Application No. 11/729,945	:	DECISION ON PETITION
Filed: March 29, 2007	:	
Attorney Docket No. H28793	:	

This is a decision on the petition under 37 CFR 1.182, filed, January 23, 2009, to correct the spelling of the name of inventor "Michael Veksland" to – Mikhail Veksland --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

The issue fee in this case was paid on February 20, 2009. The patent issued April 12, 20089 and the correct spelling of the inventor's name was not included on the front page of the Letters Patent. Petitioner may request a certificate of correction pursuant to the provisions of 37 CFR 1.323 and pay the required fee of $100 to correct the patent.

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

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

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/729,945	03/29/2007	2887	2680	H28793	17	1

CONFIRMATION NO. 5708

CORRECTED FILING RECEIPT

128
HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

OC000000038740048

Date Mailed: 11/12/2009

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)

C. Harry Knowles, Moorestown, NJ;
Xiaoxun Zhu, Marlton, NJ;
Timothy Good, Clementon, NJ;
Tao Xian, Blackwood, NJ;
Mikhail Veksland, Marlton, NJ;
Anatoly Kotlarsky, Holland, PA;
John Furlong, Woodbury, NJ;
Mark Hernandez, Bridgeton, NJ;
Nicola Ciarlante, Woolwich Township, NJ;
Mark Schmidt, Williamstown, NJ;

Power of Attorney:
Thomas Perkowski--33134

Domestic Priority data as claimed by applicant

This application is a CON of 11/489,259 07/19/2006 PAT 7,540,424
which is a CIP of 11/408,268 04/20/2006 PAT 7,464,877
and is a CIP of 11/305,895 12/16/2005 PAT 7,607,581
and is a CIP of 10/989,220 11/15/2004 PAT 7,490,774
and is a CIP of 10/712,787 11/13/2003 PAT 7,128,266
and is a CIP of 10/186,320 06/27/2002 PAT 7,164,810
and is a CIP of 10/186,268 06/27/2002 PAT 7,077,319
and is a CIP of PCT/US2004/038389 11/15/2004
and is a CIP of 09/990,585 11/21/2001 PAT 7,028,899
and is a CIP of 09/781,665 02/12/2001 PAT 6,742,707
and is a CIP of 09/780,027 02/09/2001 PAT 6,629,641

and is a CIP of 09/721,885 11/24/2000 PAT 6,631,842

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 11/729,945**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR INTELLIGENTLY CONTROLLING THE ILLUMINATION AND IMAGINE OF OBJECTS AS THEY ARE MOVED THROUGH THE 3D IMAGING VOLUME OF A DIGITAL IMAGE CAPTURING AND PROCESSING SYSTEM

Preliminary Class

235

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).

1462 - $400

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JAN 23 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Applicants	:	C. Harry Knowles et al.
Application Serial No.	:	11/729,945
Filing Date	:	March 29, 2007
Title	:	METHOD FOR INTELLIGENTLY CONTROLLING THE ILLUMINATION AND IMAGING OF OBJECTS AS THEY ARE MOVED THROUGH THE 3D IMAGING VOLUME OF A DIGITAL IMAGE CAPTURING AND PROCESSING SYSTEM
Examiner	:	Thien Mihn Le
Group Art Unit	:	2887
Attorney Docket No.	:	108-249USANQ0

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

REQUEST TO CORRECT MISSPELLING IN INVENTOR NAME

SIR:

Applicants respectfully request a correction of a misspelling in an inventor's first name, in connection with the above-referenced U.S. Application.

The first name of inventor Mikhail Veksland was misspelled as "Michael Veksland" on the Application documents submitted at the time of filing, and on the Declaration of Inventorship.

Please correct the Applicant data to reflect "Mikhail Veksland".

Applicants believe that no fees are due at this time; however, if deemed necessary, the Commissioner may charge any requisite fees to Deposit Account No. 16-1340.

Respectfully submitted,

Dated: January 23, 2009

Thomas J. Perkowski, Esq.
Reg. No. 33,134
Attorney for Applicants
Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, Connecticut 06902
203-357-1950
http://www.tjpatlaw.com

11/16/2009 CKHLOK 00000005 161340 11729945
01 FC:1462 400.00 DA

PAGE 2/3 * RCVD AT 1/23/2009 1:25:11 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/21 * DNIS:2738300 * CSID:203 357 1959 * DURATION (mm-ss):01-12

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OCT 05 2007

OFFICE OF PETITIONS

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	:	
Kaname Ogawa	:	
Application No. 11/729,946	:	DECISION GRANTING
Filed: March 28, 2007	:	PETITION
Attorney Docket No. SONYJP 3.0-1347	:	

This is a decision on the petition, filed April 19, 2007, requesting that the above-identified application be accorded a filing date of March 28, 2007. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on March 28, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV454949718US, (the same Express Mail number found on the original application papers located in the official file).

In view of the above, the petition is **GRANTED**.

A copy of the filing receipt mailed August 22, 2007 with the filing date of March 28, 2007, is attached for your convenience.

This application file is being referred to the Office of Initial Patent Examination (OIPE) to await a reply to the Notice To File Missing Parts Of Nonprovisional Application mailed August 22, 2007.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3208. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Attachment: Copy of Filing Receipt mailed August 22, 2007

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
11/729,946	03/28/2007	2622	0.00	SONYJP 3.0-1347	11	6

CONFIRMATION NO. 5698

FILING RECEIPT

530
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ07090

Date Mailed: 08/22/2007

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

Applicant(s)

Kaname Ogawa, Kanagawa, JAPAN;

Assignment For Published Patent Application

Sony Corporation, Tokyo, JAPAN

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN P2006-103125 04/04/2006

If Required, Foreign Filing License Granted: 08/20/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/729,946**

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

Non-Publication Request: No

Early Publication Request: No

Title

Image processing apparatus and image display method

Preliminary Class

348

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the

subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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United States Patent and Trademark Office
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MAIL

MAR 12 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of KAZAWA, TOHRU, et al. Application No. 11/729,974 Filed: March 30, 2007 Attorney Docket No. 062807-0427	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 20, 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 A. Wieder

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Aritoshi Imazato	: DECISION ON REQUEST FOR
Patent Number	: 7665435	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/729,985	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **193** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/730,008	03/29/2007	Hitoshi Ito	071365	4051

7590 02/02/2009
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
CHU, HELEN OK

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 02/02/2009 BPOWELL
06/14/2007 MAHMED1 00000034 11730008
02 FC:1111 -500.00 OP

Reqln. Ref: 02/02/2009 BPOWELL 0016575200
DAH:182220 Name/Number:11482802
FC: 9204 $500.00 CR

FORM PET651G (Rev. 08/07)

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MAIL

APR 15 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of KAZAWA, TOHRU Application No. 11/730,010 Filed: March 29, 2007 Attorney Docket No. 062807-0429	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 7, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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AUG 18 2008

In re Application of	:	
Randell L. Mills	:	
Application No. 11/730,065	:	DECISION GRANTING PETITION
Filed: March 29, 2007	:	
Attorney Docket No. 08056.0026-00	:	

This is a decision on the petition filed July 9, 2008, requesting that the above-identified application retain the presently accorded a filing date of March 29, 2007, with page 43 of the specification, as part of the original disclosure.

On March 29, 2007, the above-identified application was filed. On April 9, 2008, the Office of Patent Application Processing mailed a "Notice of Omitted Application Papers" (the "Notice"), stating, in part, that the application had been accorded a filing date of March 29, 2007, however, page 43 of the specification appeared to have been omitted. The Notice allowed an extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on July 9, 2008, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, 131 pages of the specification and claims were received on March 29, 2007.

Upon review of the record, page 43 of the specification has not been located among the application papers. However, the evidence is convincing that the application papers deposited March 29, 2007, included page 43 which was subsequently misplaced by the Office. The application, including page 43 of the specification was complete on filing and entitled to the presently accorded filing date of March 29, 2007.

Accordingly, the petition is granted. The petition fee of $400.00 will be refunded, in due course.

The application file is being returned to the Office of Patent Application Processing for further processing with the presently accorded filing date of March 29, 2007, including page 43 of the specification provided with the instant petition.

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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P.O. Box 1450
Alexandria, VA 22313-1450
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Cypress Semiconductor
c/o Steven B. Kelber, Jagtiani + Guttag, LLP
10363-A Democracy Lane
Fairfax VA 22030

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Amy Sue Moeller et al.	:	
Application No. 11/730,097	:	DECISION ON PETITION
Filed: March 29, 2007	:	TO WITHDRAW
Attorney Docket No. TAPG-0001-DV1	:	FROM RECORD
	:	

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

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

A review of the file record indicates that the Steven B. Kelber has been reinstated by a Decision on Petition for Reinstatement from the Office of Enrollment and Discipline dated February 3, 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 above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
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.
11/730,103	03/29/2007	Chang Nam Kim	RPL-0243	5731

34610 7590 11/13/2009
KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

EXAMINER
SANTIAGO, MARICELI

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/13/2009	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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KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

In re Application of	
Chang Nam KIM	**: DECISION ON REQUEST TO**
Application No.: 11/730,103	**: PARTICIPATE IN THE PATENT**
Filed: 29 March 2007	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: RPL-0243	**: PROGRAM AND PETITION**
For: ORGANIC LIGHT EMITTING	**: TO MAKE SPECIAL UNDER**
DISPLAY	**: 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 28 January 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Lee W. Young at (571) 272- 4549.

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.

Lee W. Young
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.
11/730,111	03/29/2007	Ki-Hyung Park	301/069	5989

7590 11/04/2009

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

EXAMINER
SHALWALA, BIPIN H

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/730,112	03/29/2007	Ki-Hyung Park	301/066	6005

7590 11/02/2009
LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
SHALWALA, BIPIN H

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/02/2009 0930076256

Credit Card Refund Total: $500.00

CC Exp...: XXXXXXXXXXX1001

Adjustment date: 11/02/2009 NFARMER
03/30/2007 SZEWDIE1 00000002 11730112
02 FC:1111 -500.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/730,138	03/29/2007	Shigeru Matsukawa	2007_0533A	5745

7590 09/25/2009
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER
POON, KING Y

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
09/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 09/25/2009 NFARMER 0015152500
DA#:230975 Name/Number:11730138
FC: 9204 $700.00 CR

Adjustment date: 09/25/2009 NFARMER
03/30/2007 NNGUYEN1 00000054 11730138
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

FORM PET651G (Rev. 08/07)

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

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OFFICE OF PETITIONS

In re Application of	:	
YASUYUKI UEMURA	:	
Application No. 11/730,238	:	DECISION ON PETITION
Filed: 03/30/2007	:	
Attorney Docket No. UEMU3008/EM	:	

This is a decision on the petition under 37 CFR 1.181, filed January 9, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed April 25, 2007, which set a two (2) month period for reply. Extensions of the time were available under 37 CFR 1.136(a). A Notice of Abandonment was mailed on January 3, 2008.

Petitioner asserts that the Notice of to File Missing Parts dated April 25, 2007, was not received.

A review of the written record indicates no irregularity in the mailing of the Notice to File Missing Parts, and, in the absence of any irregularity, there is a strong presumption that the Notice to File Missing Parts was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice to File Missing Parts was not in fact received. In this regard, the showing required to establish the failure to receive the Notice to File Missing Parts must consist of the following:

1. a statement from practitioner stating that the Notice to File Missing Parts 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 indicate that the Notice to File Missing Parts was not received; and,

3. a copy of the docket record where the non-received Notice to File Missing Parts would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office acknowledges receipt of petitioner's reply to the Notice to File Missing Parts submitted with the petition on January 9, 2008.

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

This application is being referred to the Office of Patent Application Processing.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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JAN 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Son	:	
Application No. 11/730,395	:	ON PETITION
Filed: April 2, 2007	:	
Attorney Dkt No. Q99704	:	
Title: Method and Apparatus For Managing Services Provided By Devices in Home Network	:	

This is a decision on the petition filed May 22, 2007 and supplemented on December 12, 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 April 2, 2007 including pages 2 and 4 of the specification.

The application was filed on April 2, 2007. However, on April 27, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of April 2, 2007 but pages 2 and 4 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 21 pages of specification were filed including pages 2 and 4 on April 2, 2007. In support, the petition is accompanied by a copy of applicant's postcard which lists " Spec/Abst: 21/1". The petition is further accompanied by a copy of pages 2 and 4 of the specification.

Applicant's postcard receipt is prima facie evidence that at least 21 pages of specification including pages 2 and 4 were received on April 2, 2007, but pages 2 and 4 are 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 pages 2 and 4 of the specification were received on April 2, 2007, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. No petition fee is due. Deposit account no. 19-4880 will refunded.

The application will be returned to the Office of Patent Application Processing for further processing with a **filing date of April 2, 2007**, using the papers received on that date and the copy of pages 2 and 4 of the specification supplied on May 22, 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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DEPARTMENT OF ELECTRICAL
& COMPUTER ENGINEERING
UNIVERSITY OF ALBERTA
EDMONTON AB T6G 2V4 CA
CANADA

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MAY 27 2008

In re Application of	:	
Breen, et al.	:	
Application No. 11/730,406	:	DECISION
Filed: 2 April, 2007	:	
Attorney Docket No. 2006032942		

This is a decision on the petition filed on 31 March, 2008 to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to 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. (However, it does not appear that a terminal disclaimer and fee are due here.)

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

BACKGROUND

The record reflects that:

Petitioner failed to reply to a Notice to File Corrected Application Papers mailed on 2o April, 2007, with reply due absent an extension of time on or before 20 May, 2007.

The application went abandoned by operation of law after midnight 20 May, 2007.

The Office mailed the Notice of Abandonment on 28 December, 2007.

On 31 March, 2008, Petitioner filed, *inter alia*, the instant petition (with fee) alleging unintentional delay under 37 C.F.R. §1.137(b), included therewith a reply in the form of corrected application papers, 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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS

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).

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.[2],[3]

CONCLUSION

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

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly Office of Initial Patent Examination (OIPE)) for further processing in due course.

---

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

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, 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.))

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 OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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

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[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed: December 19, 2007

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

Applicant: Tanaka et al.
Appl. No.: 11/730,412
Filing Date: April 2, 2007
Title: ORGANIC SILICON COMPOUND, HYDOPHILIC COMPOSITION CONTAINING THE SAME AND HYDROPHILIC MEMBER
Attorney Docket No.: Q97303
Pub. No.: US 2007/0232735 A1
Pub. Date: October 4, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 18, 2007, for the above-identified application.

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

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

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

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

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

By facsimile: 571-273-8300

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

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONATHAN E. GRANT
2107 HOUNDS RUN PLACE
SILVER SPRING MD 20096

COPY MAILED

SEP 14 2007

OFFICE OF PETITIONS

In re Application of	:	
ROBERT J. GROSS	:	
Application No. 11/730,421	:	DECISION ON PETITION
Filed: April 02, 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 April 02, 2007 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The evidence submitted with the instant petition is a copy of Robert Gross'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 3761 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONATHAN E. GRANT
2107 HOUNDS RUN PLACE
SILVER SPRING, MD 20096

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OCT 1 4 2008

OFFICE OF PETITIONS

In re Application of
Robert Joseph Goss
Application No. 11/730,421
Filed: April 2, 2007
Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 26, 2008.

The request is **APPROVED**.

A review of the file record indicates that Jonathan E Grant: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Jonathan E. Grant has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence address of record has been accepted. All future communications from the Office will be directed to the first copied address below until otherwise properly notified by the applicant.

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

The application became abandoned for failure to timely reply to the outstanding Office action mailed February 14, 2008.

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

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

cc: ROBERT JOSEPH GOSS
14014 NOTLEY ROAD
SILVER SPRING, MD 20904

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/730,421	04/02/2007	Robert Joseph Goss	

CONFIRMATION NO. 8875

POWER OF ATTORNEY NOTICE

JONATHAN E. GRANT
2107 HOUNDS RUN PLACE
SILVER SPRING, MD 20096

OC000000032548738

Date Mailed: 10/10/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/26/2008.

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

/amwise/

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 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.
11/730,444	04/02/2007	Hideaki Ohhara	063009-5023	8301

9629 7590 01/27/2009
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER
TRAN, HOAN H

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
01/27/2009	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
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MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, DC 20004

In re Application of	**: DECISION ON REQUEST TO**
Hideaki Ohhara et al	**: PARTICIPATE IN THE PATENT**
Application No.: 11/730,444	**: PROSECUTION HIGHWAY**
Filed: 02 April 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 063009-5023	**: TO MAKE SPECIAL UNDER**
For: ROLLER, FIXING DEVICE, AND IMAGE FORMING DEVICE	**: 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 18 December 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTON BOGGS LLP
2550 M STREET NW
WASHINGTON DC 20037-1350

MAILED

APR 13 2010

OFFICE OF PETITIONS

In re Application of	:	
William Karszes et al.	:	
Application No. 11/730,455	:	DECISION ON PETITION
Filed: April 2, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 011908.0115PTUS	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 23, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

This pending nonprovisional application was filed on April 2, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/788,108, which was filed on April 3 2006, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

The petition states the amendment to the specification is filed concurrent with the instant petition. However, there was no amendment filed with the petition. An amendment to the first page of the specification was filed on March 26, 2009.

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

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

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

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

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

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

Any questions concerning this matter may be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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PATTON BOGGS LLP
2550 M STREET NW
WASHINGTON DC 20037-1350

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of	:	
William Karszes et al.	:	
Application No. 11/730,455	:	DECISION ON PETITION
Filed: April 2, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 026188.0104PTUS	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed May 3, 2010, 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 Carl Friedman at (571) 272-6842. 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 2873 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

David Buczo
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
11/730,455	04/02/2007	2873	715	026188.0104PTUS	26	3

CONFIRMATION NO. 8882

CORRECTED FILING RECEIPT

41434
PATTON BOGGS LLP
2550 M STREET NW
WASHINGTON, DC 20037-1350

OC000000042109426

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)

William Karszes, Rosewell, GA;
Jerry Nims, Atlanta, GA;

Power of Attorney: The patent practitioners associated with Customer Number 41434

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/788,108 04/03/2006

Foreign Applications

If Required, Foreign Filing License Granted: 05/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/730,455**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

MICROLENS WINDOWS AND INTERPHASED IMAGES FOR PACKAGING AND PRINTING AND METHODS FOR MANUFACTURE

Preliminary Class

359

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/730,465	04/02/2007	Tomio Sugiyama	MNL-2635-462	7502

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

EXAMINER
SALZMAN, KOURTNEY R

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
04/03/2007 DEMMANU1 00000081 11730465
02 FC:1111 -500.00 OP

Adjustment date: 08/04/2009 BPOWELL
04/03/2007 DEMMANU1 00000081 11730465
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
08/0472009 0030072892

Credit Card Refund Total: $500.00

AB Exp..: XXXXXXXXXXX2021

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.
11/730,475	04/02/2007	Satoshi Honobe	053588-5107	7615

9629 7590 09/21/2009
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER
ROYER, WILLIAM J

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
09/21/2009	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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MORGAN, LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of	
Satoshi HONOBE et al.	**: DECISION ON REQUEST TO**
Application No.: 11/730,475	**: PARTICIPATE IN THE PATENT**
Filed: 02 April 2007	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 053588-5107	**: PROGRAM AND PETITION**
For: CLEANING DEVICE, PROCESS CARTRIDGE, AND IMAGE FORMING DEVICE	**: 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 24 June 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 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 <u>not</u> 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 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 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 will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Darren Schuberg
TQAS

Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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SEP 21 2007

OFFICE OF PETITIONS

In re Application of :
Kaylie :
Filed: April 2, 2007 : ON PETITION
Application No. 11/730,498 :
Atty. Dkt. No.: T3713-11217US01 :

This decision is in response to the petition filed July 3, 2007 to accord the above-identified application a filing date of April 2, 2007 with page 14 as part of the specification as originally filed.

The application was filed April 2, 2007. The Notice mailed May 4, 2007 indicated that the application had been accorded a filing date but that page 14 of the specification appeared to have been omitted from the application as filed.

In response, petitioner herein argues that the application as deposited included page 14 of the specification and has presented as proof of mailing and proof of receipt of page 14 of the specification a copy of a return postcard date stamped by the Office on April 2, 2007. A copy of page 14 of the specification was submitted with the instant petition.

The original page 14 of the specification has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of April 2, 2007 is GRANTED.

Since the original of page 14 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. A refund of the previously submitted $400.00 petition fee has been requested from the Finance Office, Refund Section on behalf of petition and will be issued in due course.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 2, 2007 with page 14 of the specification as part of the application papers 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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OFFICE OF PETITIONS

The Nath Law Group
112 South West Street
Alexandria, VA 22314

In re Application of	:	
Benjamin Reubinoff	:	
Application No. 11/730,560	:	DECISION ON PETITION
Filed: April 2, 2007	:	TO WITHDRAW
Attorney Docket No. REUBINOFF1	:	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 11, 2009.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to The Nath Law Group has been revoked by the assignee of the patent application on November 6, 2009 and November 25, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Browdy and Neimark, P.L.L.C.
624 Ninth Street, NW
Suite 300
Washington, DC 20001-5303

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HOLLAND & HART LLP
60 E. SOUTH TEMPLE, SUITE 2000
P.O. BOX 11583
SALT LAKE CITY UT 84110

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OFFICE OF PETITIONS

In re Application of	:	
Royia Griffin	:	DECISION ON PETITION
Application No. 11/730,567	:	TO WITHDRAW
Filed: April 2, 2007	:	FROM RECORD
Attorney Docket No. 100255-13814US04	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 1, 2010.

The request is **NOT APPROVED**.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

Currently, there is an outstanding Office action mailed May 13, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of Glenn Mcavoy, et al. Application No. 11/730,568 Filed: April 2, 2007 Attorney Docket No. 100255-13814US03	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed April 20, 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: **EDUCATE ONLINE TECHNOLOGY, LLC**
506 S. CENTRAL AVENUE
BALTIMORE, MD 21202

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In re Application of	:	
Glenn McAvoy, et al.	:	
Application No. 11/730,568	:	DECISION ON PETITION
Filed: April 2, 2007	:	TO WITHDRAW
Attorney Docket No. 100255-13814US03	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 2, 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 David R. Schaffer, Esq. 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 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.

There is an outstanding Office action mailed April 13, 2010 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Educate Online Technology, LLC**
506 S. Central Avenue
Baltimore, MD 21202

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/730,568	04/02/2007	Glenn McAvoy	100255-13814US03

CONFIRMATION NO. 7312

POWER OF ATTORNEY NOTICE

181
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OC000000042628058

Date Mailed: 07/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/02/2010.

- 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.

/tsjohnson/

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

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STEPHEN R. GREINER, ESQUIRE
GREINER LAW OFFICES, P.C.
SUITE 110
6701 DEMOCRACY BLVD.
BETHESDA MD 20817

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FEB 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Loretta P. WIDMANN	:	
Application No. 11/730,586	:	DECISION ON PETITION
Filed: April 03, 2007	:	
Attorney Docket No. **4083.00**	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 04, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 04, 2009. Accordingly, the date of abandonment of this application is November 05, 2009.

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

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

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Koji Inoue	: DECISION ON REQUEST FOR
Patent Number	: 7606086	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/730,675	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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NDQ&M WATCHSTONE LLP
1300 EYE STREET, NW
SUITE 1000 WEST TOWER
WASHINGTON, DC 20005

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In re Application of	:	
Yoshio TOMIGASHI	:	
Application No. 11/730,684	:	DECISION GRANTING PETITION
Filed: April 3, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **SAN.003.0009.NP**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 30, 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 December 3, 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 2837 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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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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OFFICE OF PETITIONS

In re Application of
Hiroshi Aoki, et al.
Application No. 11/730,703
Filed: April 3, 2007
Attorney Docket No. 086142-0931

DECISION ON PETITION

This is a decision on the petition, filed April 8, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of September 23, 2009 which set a three (3) month shortened statutory period for reply. A reply was due on or before December 23, 2009.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on March 22, 2010 of, *inter alia,* a Notice of Appeal asserting a three month extension of time, Pre-Appeal Brief Request for Review and credit card payment form. A copy of the previously submitted reply accompanies the petition. Further, a review of the record shows that the reply was timely received March 22, 2010, as the original reply is located within the file.

As the reply authorized the charging of a three (3) month extension of time due the Notice of Abandonment was premature. Accordingly the holding of abandonment for failure to timely file a reply to the Office action of September 23, 2009 is hereby **withdrawn** and the application **restored to pending status**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2612 for appropriate action in the normal course of business on the reply received with petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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Manelii Denison & Selter PLLC
2000 M Street
7th Floor
Washington DC, DC 20036

Mail Date: 04/21/2010

Applicant	: Richard D. Newman	: DECISION ON REQUEST FOR
Patent Number	: 7626791	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/730,735	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SILVERBROOK RESEARCH PTY LTD
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BALMAIN 2041 AU AUSTRALIA

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OFFICE OF PETITIONS

In re Application of	:	
Silverbrook et al.	:	
Application No.: 11/730760	:	DECISION ON
Filing or 371(c) Date: 04/04/2007	:	PETITION
Attorney Docket Number: WAL49US	:	

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 6, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed May 3, 2007. The Notice required replacement drawings, 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 July 4, 2007. A Notice of Abandonment was mailed January 14, 2008.

With the present petition, Applicant has filed corrected drawings 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 ("OPAP") for processing of the reply to the Notice, and for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/730,864	04/04/2007	Sang-Yeol Kim	P58262	1799

7590 04/12/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
PATEL, ASHOK

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
04/12/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/09/2010 MFARMER
04/05/2007 YPOLITE1 00000035 11730864
02 FC:1111 -300.00 OP
04 FC:1202 -50.00 OP

FORM PET651G (Rev. 08/07)

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NOV 19 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of BANG, SUNG-EUN, et al. Application No. 11/730,909 Filed: April 4, 2007 Attorney Docket No.: **0630-3063PUS1**	:	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 September 21, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Yasuda, et al. :
Application No. 11/730,915 :
Deposited: April 4, 2007 :
Attorney Docket No. 125948.01 :
For: POSITION MEASUREMENT METHOD, POSITION CONTROL METHOD, MEASUREMENT METHOD, LOADING METHOD, EXPOSURE METHOD AND EXPOSURE APPARATUS, AND DEVICE MANUFACTURING METHOD

ON PETITION

This is a decision on the petition, filed May 9, 2007, requesting, in effect, withdrawal of the Notice of Incomplete Nonprovisional Application (Notice) mailed May 4, 2007. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on April 4, 2007. On May 4, 2007, the Office of Initial Patent Examination mailed a Notice informing applicants that no filing date had been accorded to the application papers deposited on April 4, 2007 because no drawings were present, as is required by 35 U.S.C. 113. In addition, an executed declaration was missing.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of April 4, 2007 on the basis that 19 sheets of drawings were received in the Patent and Trademark Office (PTO) on April 4, 2007. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing April 4, 2007 as the date of receipt. The postcard lists, *inter alia*, that the filing included 19 sheets of drawings and a copy of an executed declaration.

The return postcard constitutes *prima facie* evidence that the items listed thereon, including 19 sheets of drawings and a copy of an executed declaration, were filed on April 4, 2007. MPEP

503. Accordingly, the request is granted. Pursuant to petitioners' authorization, the $400.00 petition fee submitted with the present petition will be refunded to deposit account no.15-0461.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **April 4, 2007**, using the copy of the 19 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 19 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
Hirayama	:	
Application No. 11/730,917	:	DECISION ON PETITION
Filed: April 4, 2007	:	
Attorney Docket No. 02860.0726-01	:	

This is a decision on the petition under 37 CFR 1.137(a), filed September 10, 2007. The petition will be treated under 37 CFR 1.181, as a request that the Office withdraw the termination of proceedings in the above-identified application.

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

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

Proceedings in this application were terminated for failure to reply to the Notice of Incomplete Nonprovisional Application, mailed May 3, 2007, which set a two (2) month period for reply. A Notice of Termination of Proceedings under 37 CFR 1.53(e) was mailed on August 6, 2007.

Petitioner asserts that the Notice dated May 3, 2007 was not received.

The situation at hand is analogous to a situation where a petition to withdraw the holding of abandonment would be appropriate. The showing required to establish the failure to receive an 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. In addition, it is noted that the May 3, 2007 Notice was returned to the Office on May 11, 2007. Accordingly, the termination of proceedings in the above-identified application was uncalled for.

In view of the above, the Notice of Termination of Proceedings under 37 CFR 1.53(d) is hereby vacated, the petition under 37 CFR 1.181 is **GRANTED**, and the petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The petition fee of $500.00 will be refunded to deposit account no. 06-0916.

This application is being referred to the Office of Initial Patent Examination for re-mailing the Notice of May 3, 2007. The period for reply will run from the re-mailing date of the Notice.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Kazunori Inoue	: DECISION ON REQUEST FOR
Patent Number	: 7602262	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/730,961	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **161** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

In re Patent of	:	
Ishibashi et al.	:	
Application No. 11/730987	:	DECISION
Filing or 371(c) Date: 04/05/2007	:	ON PETITION
Attorney Docket Number: 050099-0367	:	

This is a decision on the "Petition and Response to Notice of Omitted Item in a Nonprovisional Application," filed July 6, 2007. The petition is properly treated as a petition under 37 CFR 1.182.

The petition is **granted**.

Background

The application was filed on April 5, 2007. On May 7, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, Figure 53 described in the specification appeared to have been omitted from the application.

The instant petition

Applicant files the instant petition and avers that Figure 53 described in the specification was included among 43 pages of drawings filed with the application on April 5, 2007. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia,* forth-three (43) pages of Formal Drawings by this Office on April 5, 2007.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of Figure 53, filed with the instant petition, will be used for examination purposes.

No petition fee has been charged, and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 5, 2007, and an indication that Figure 53 described in the specification was included with the application papers filed on April 5, 2007, using the copy of Figure 53 filed with the present petition.

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

Derek L. Woods
Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/731,009	03/29/2007	Ae-Ri Lim	678-3137	5860

7590 01/27/2010

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

EXAMINER
JOHNSON, GERALD

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refin. Ref: 01/26/2010 NFARMER 0015560700
DNA:504053 Name/Number:11731009
FC: 9204 [illegible]

Adjustment date: 01/28/2010 NFARMER
06/22/2007 NNGUYEN1 00000034 11731009
03 FC:1111 -500.00 OP
05 FC:1201 -1400.00 OP
06 FC:1202 -3700.00 OP

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1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

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OCT 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Nguyen et al.	:	
Application No. 11/731,011	:	Decision According Status
Filed: March 29, 2007	:	Under 37 CFR 1.47(a)
Attorney Docket No. 09469/037002	:	
For: Identity And Access Management	:	
Framework	:	

This is a decision on the petition under 37 CFR 1.47(a), filed June 18, 2007.

The petition is **granted**.

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

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

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

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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777 NW WALL STREET, SUITE 308
BEND OR 97701

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AUG 06 2007

OFFICE OF PETITIONS

In re Application of :
Rubbert :
Application No. 11/731,016 :
Filed: March 28, 2007 :
Attorney Docket No. 7848-5 :
For: INTAKE APPARATUS FOR DAMS

ON PETITION

This is a decision on the petition, filed June 18, 2007 (certificate of mailing date June 12, 2007), requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 25, 2007, insofar as it alleges that Figure 15 was omitted. The petition will be treated under 37 CFR 1.53(e). In addition, this decision addresses the request for a refund, filed with the filing date petition.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on March 28, 2007. On April 25, 2007, the Office of Initial Patent Examination mailed a Notice informing petitioner, *inter alia*, that Figure 15 was missing from the application filed on March 28, 2007.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that Figure 15 be accorded a filing date of March 28, 2007 on the basis that it was received in the Patent and Trademark Office (PTO) on March 28, 2007.

In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing March 28, 2007 as the date of receipt. The postcard lists that the filing included, *inter alia*, 19 sheets of drawings. A review of the application file reveals that there are 18 sheets present.

The return postcard constitutes *prima facie* evidence that 19 sheets of drawings, including missing Figure 19, were filed on March 28, 2007. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's authorization, the $400.00 fee submitted with the instant petition will be refunded via a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **March 28, 2007**, using the copy of Figure 15 supplied with the petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Benjamin A. Adler, PhD, JD
8011 Candle Lane
Houston TX 77071

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Ira Leonard Goldknopf, et al.	:	
Application No. 11/731,019	:	DECISION ON PETITION
Filed: March 29, 2007	:	
	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed November 12, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 13, 2008. The Notice of Abandonment was mailed September 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 an election, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1642 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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CONRADO G. CASTRO
3514 WEST 157th ST.
GARDENA CA 90249

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JUN 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Conrado G. Castro	:	
Application No. 11/731,031	:	DECISION ON PETITION
Filed: March 29, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 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 **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 a declaration statement or a copy of applicant's birth certificate or drivers license.

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 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 back to the Office of Initial Patent Examination to continue the pre-examination process.

April M. Wise
Petitions Examiner
Office of Petitions

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JUL 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Conrado G. Castro	:	
Application No. 11/731,031	:	DECISION ON PETITION
Filed: March 29, 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 20, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a 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.

This application is being referred to the Office of Initial Patent Examination to await a reply to the Notice to File Corrected Application Papers (Notice) mailed May 3, 2007. This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

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SEP 28 2009

OFFICE OF PETITIONS

Conrado G. Castro
3514 West 157th St.
Gardena, CA 90249

In re Application of	:	
Conrad G. Castro	:	
Application No. 11/731,031	:	ON PETITION
Filed: March 29, 2007	:	
Attorney Docket No.	:	

This is in response to the communication, filed June 22, 2009, and the supplemental communication filed September 21, 2009, to revive the above-identified application. The filings are being treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On February 25, 2008, the office mailed a non-final Office action, which set a three month shortened statutory period to reply. Petitioner filed responses on March 21, 2008, and May 23, 2008, and supplemented the said responses on August 16, 2008, and October 20, 2008. However, the petitioner's initial responses dated March 21, 2008 and May 23, 2008 were deemed to be non-responsive for failure to address all issues raised by the examiner in the office action dated February 25, 2008. The Office, on July 18, 2008 mailed a Notice of Non-Compliant Amendment, which gave petitioner one month or 30 days to supply the omission or correction in order to avoid abandonment. Extensions of time were available under 37 CFR 1.136(a). No extension of time was requested. The application became abandoned on August 19, 2008, for failure to submit a timely and proper response to the Notice of Non-Compliant Amendment. On March 29, 2009, the Office mailed a Notice of Abandonment.

In the presented petitions, as the best that can be determined, petitioner requests that the Office withdraw the holding of abandonment since 1) timely replies were filed; 2) valid portions of text submissions were not considered by the examiners and 3) petitioner is at a loss in complying properly to the two Non-Compliance letters, noting that he responded as best as he could.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the file indicates that petitioner did in fact respond to the Notices of Non-Compliant Amendments. However upon review of the submissions, all issues were not addressed. Petitioner is referred to the Office action dated July 18, 2008, for a detailed explanation of petitioner's omissions.

Petitioner has not set forth any valid reason to substantiate the examiner's failure to consider submissions placed of record. Apparently, it is the position of petitioner that the examiner fails to appreciate applicant's contribution, because the applied art is directed to a different field of technology. This argument is tantamount to a traverse of the examiners statutory rejection, and as such, represents a non-petitionable issue, appealable to the Board of Appeals and Patent Interferences, once any claim has been twice rejected by the examiner. Here, petitioner received a non-final rejection and a Notice of Non-Compliant Amendment, with failure to completely reply, resulting in abandonment.

Finally, the argument that petitioner responded as best as he could to the two Notice of Non-Compliant Amendments from the office, is not well founded since applicant is charged with the responsibility of being aware of the rules and regulations pertinent to their application, when they chose to present applications before the United States Patent and Trademark Office. Prosecution of an application before the office is often a complex procedure and the office provides a multitude of avenues of assistance to the public. Therefore failure of petitioner to avail himself of these resources would not constitute best effort.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m);
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor: _____

Application No.: _____ Art Unit: _____

Filed: _____ Examiner: _____

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

1. Petition Fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $_____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Type or Printed name	Registration Number, If applicable
Address	Telephone Number
Address	

Enclosures:

☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/07/2010

Applicant	: David Allan Comisky	: DECISION ON REQUEST FOR
Patent Number	: 7630841	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/731,040	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/26/2010

Applicant	: James P. Edwards	: DECISION ON REQUEST FOR
Patent Number	: 7589087	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/731,048	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **129** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Parvis Hassan-Zade	: DECISION ON REQUEST FOR
Patent Number	: 7648069	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,053	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **277** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

2 9 SEP 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND CO 80537

In re Application of MASTLE	:
Application No.: 11/731,103	: DECISION ON PETITION
Filing: 30 March 2007	:
Attorney Docket No.: 860-012845-US (PAR)	: UNDER 37 CFR 1.182
For: OPTICAL SPECTRUM ANALYSIS	:
	:

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182 Requesting Conversion of An Application Filed Under 35 U.S.C. 111(a) To A National Stage Application Filed Under 35 U.S.C. 371" filed 11 August 2009 in the United States Patent and Trademark Office (USPTO). The petition was supplemented on 08 September 2009. The required petition fee has been paid.

BACKGROUND

On 01 October 2004, applicant filed international application PCT/EP04/52401, making no claim to priority. On 13 April 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 01 April 2007.

On 30 March 2007, applicants initiated the present U.S. application by filing a "Utility" Patent Application under 37 CFR 1.53(b), accompanied, among other materials, a specification and claims. The preliminary amendment indicated that the application was intended to be "the national stage of international application PCT/EP04/52401." However, the transmittal letter used by applicant specifically states that the application papers were filed under 37 CFR 1.53(b) as a "Utility" application.

On 20 April 2007, the USPTO mailed a "Notice To File Missing Parts Of Nonprovisional Application Filed Under 37 CFR 1.53(b)" indicating that the submission had been treated as a filing under 35 U.S.C. 111(a) and 37 CFR 1.53(b). The Notice required applicants to submit an oath or declaration and the surcharge for late filing of the oath or declaration.

On 26 April 2007, applicant filed a "Response To Notice To File Missing Parts Of Application" accompanied by payment of the required surcharge and a declaration allegedly

executed by the inventor. The declaration asserted claims to PCT/EP04/52401.

On 12 December 2008 and on 28 May 2009, Office Actions indicating a "Non-Final Rejection" (Form PTOL-326) were issued.

On 11 August 2009, applicant filed the "Petition Under 37 CFR 1.182 Requesting Conversion of An Application Filed Under 35 U.S.C. 111(a) To A National Stage Application Under 35 U.S.C. 371" considered herein. The petition requests that the present application be treated as a national stage filing under 35 U.S.C. 371 of international application PCT/EP04/52401. On 08 September 2009, a supplement to the petition including an executed declaration was submitted.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states the following:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

As noted above, applicant's filing included a transmittal letter that indicated the papers was filed under 37 CFR 1.53(b) and a preliminary amendment indicating that "This application is the National Stage of International Application PCT/EP04/52401, filed on 1 October 2004...." The inclusion of these conflicting indications of applicant's intent in the materials filed on 30 March 2007 constitutes "conflicting instructions" which, pursuant to the MPEP, requires that the application be treated under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 30 March 2007 were correctly treated as a filing under 35 U.S.C. 111(a).

U.S. statutes and regulations do not make specific provisions for converting an application filed under 35 U.S.C. 111(a) to a national stage application filed under 35 U.S.C. 371 and, as such, the Office does not grant petitions for such conversions as a matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause necessitating such conversion (i.e., the loss of patent rights) and where no other remedy is available. The present petition does not include any such showing.

Based on the above, the application papers filed 30 March 2007 were properly processed under 35 U.S.C. 111(a), and applicants have failed to demonstrate sufficient cause that would justify a conversion. On this record, granting of a petition to convert the application to a filing under 35 U.S.C. 371 is not appropriate. Applicant may wish to consider filing a petition under 37 CFR 1.78 to claim benefit to prior-filed applications.

CONCLUSION

The petition to convert the application to a filing under 35 U.S.C. 371 is **DISMISSED** without prejudice. The present application remains a filing under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

Please direct further correspondence with respect to this petition to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND CO 80537

COPY MAILED
JAN 13 2010

In re Application of Maestle Application No. 11/731,103 Filing Date: March 30, 2007 Attorney Docket No.: 860-012845-US (PAR) Title: METHOD AND APPARATUS FOR OPTICAL SPECTRUM ANALYSIS	DECISION ON PETITION UNDER 37 C.F.R. § 1.78(A)(3)

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(3), filed November 13, 2009 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed international application set forth in the amendment to the specification that was filed concurrently with this petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and the date

> the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Since the statement contained in this renewed petition varies slightly from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

Requirements (2) and (3) above have been satisfied. The petition does not satisfy item (1) above.

Pursuant to Rule 1.78(a)(2)(iii), the required reference must be included in an application data sheet, or the specification must contain or be amended to contain such reference in the first sentence(s) following the title. Consequently, Petitioner has submitted an amendment to the specification, so as to present the required reference.

However, Petitioner has not deleted the improper benefit claim which was submitted via a preliminary amendment to the specification on initial deposit.

Before the petition under 37 C.F.R. § 1.78(a)(3) can be granted, a renewed petition and an amendment complying with the provisions of 37 C.F.R. § 1.121 to correct the above matter is required.

Any reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.78(a)(3)," **and should include an amendment to the specification that deletes the paragraph containing the benefit claim that was inserted via the preliminary amendment.**

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3] Registered

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[4]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the deciding official.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[5] In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[6] All other

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4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
5 See 37 C.F.R. § 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

inquiries concerning examination procedures should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

cc: Perman & Green, LLP
99 Hawley Lane
Stratford, CT 06614

UNITED STATES 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.

AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND CO 80537

COPY MAILED
MAR 09 2010

In re Application of Maestle Application No. 11/731,103 Filing Date: March 30, 2007 Attorney Docket No.: 860-012845-US (PAR) Title: METHOD AND APPARATUS FOR OPTICAL SPECTRUM ANALYSIS	:	DECISION ON RENEWED PETITION UNDER 37 C.F.R. § 1.78(A)(3)

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.78(a)(3), filed January 28, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed international application set forth in the amendment to the specification that was filed concurrently with this renewed petition.

This renewed petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and the date

the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

An original petition pursuant to 37 C.F.R. § 1.78(a)(3) was filed on November 13, 2009,[1] and was dismissed via the mailing of a decision on January 13, 2010, which indicated that the statement contained in the original petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), that rrequirements (2) and (3) of Rule . § 1.78(a)(3) have been satisfied, and that the first requirement was not satisfied:

> "Pursuant to Rule 1.78(a)(2)(iii), the required reference must be included in an application data sheet, or the specification must contain or be amended to contain such reference in the first sentence(s) following the title. Consequently, Petitioner has submitted an amendment to the specification, so as to present the required reference.
>
> However, Petitioner has not deleted the improper benefit claim which was submitted via a preliminary amendment to the specification on initial deposit.
>
> Before the petition under 37 C.F.R. § 1.78(a)(3) can be granted, a renewed petition and an amendment complying with the provisions of 37 C.F.R. § 1.121 to correct the above matter is required."
>
> Decision on original petition, page 2.

With this renewed petition, Petitioner has included an acceptable amendment to the preliminary amendment that was included on initial deposit.

It follows that the first requirement of Rule 1.78(a)(3) has been satisfied.

All of the above requirements having been satisfied, the late claim for priority pursuant to 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of this petition to accept the delayed benefit claim to the prior-filed application pursuant to 37 C.F.R. § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 C.F.R. §§ 1.78(a)(1) and (a)(2) must

1 The amendment that was included with the original petition has not been entered.

be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that Applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the Examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

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2 See 37 C.F.R. § 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

Technology Center Art Unit 2877 will be made aware of this decision, so that the Examiner may consider applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[3]

Anthony Knight
Supervisor
Office of Petitions

Encl. Corrected Filing Receipt

cc: Perman & Green, LLP
99 Hawley Lane
Stratford, CT 06614

3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/731,103	03/30/2007	2877	1130	860-012845-US (PAR)	11	2

CONFIRMATION NO. 6917

CORRECTED FILING RECEIPT

22878
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

OC000000039996059

Date Mailed: 02/22/2010

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)

Ruediger Maestle, Boeblingen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 2512

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP2004/052401 10/01/2004

Foreign Applications

If Required, Foreign Filing License Granted: 04/19/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/731,103**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for optical spectrum analysis

Preliminary Class

356

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 04/21/2010

Applicant	: David Lewis	: DECISION ON REQUEST FOR
Patent Number	: 7583103	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,125	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BRADLEY LEE ECKIELEN
409 SOUTH ELEVENTH STREET
OOSTBURG WI 53070

COPY MAILED

JUN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Bradley Lee Eckielen, David LeRoy Hagen	:	
Application No. 11/731,132	:	ON PETITION
Filed: July 30, 2007	:	
Title: Modular Digital UHF/VHF Antenna	:	

This is a decision on the paper filed May 14, 2008, which is being treated as a petition under 37 CFR 1.53 to accord the application a filing date of March 31, 2007.

The petition under 37 CFR 1.53 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 1.53". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The application was deposited on March 31, 2007, without an oath or declaration. On May 3, 2007, the Office mailed a Notice of Missing Parts of Nonprovisional Application, giving applicants a two (2) month extendable period for reply in which to file an oath or declaration, together with a surcharge for its late filing. In addition, the Notice set a two (2) month period for reply to file replacement drawings. On July 30, 2007, applicants filed a declaration and paid the late surcharge. There is no

indication that applicants filed replacement drawings. The Office mailed a filing receipt on August 8, 2007, in which it was indicated that the filing date of the application was July 30, 2007.

On petition, petitioner argues that the instant application was filed on March 31, 2007, not July 30, 2007 as noted on the filing receipt.

A review of the petition reveals that it is only signed by one of the inventors (applicants), Mr. David LeRoy Hagen. 37 CFR 1.33(b) states that:

> Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) **All of the applicants** (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter. Emphasis added.

Papers filed in the instant application, including the instant petition, need to be signed by both of the applicants. Accordingly, the petition is dismissed without consideration on the merits until such time as petitioner presents a petition signed by both of the applicants.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

The matter is being forwarded to the Office of Patent Application Processing for consideration and the possible mailing of a **Notice of Abandonment**, as there is no indication that applicants submitted replacement drawings in response to the May 3, 2007 Notice to File Missing Parts.

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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AUG 13 2008

OFFICE OF PETITIONS

BRADLEY LEE ECKIELEN
409 SOUTH ELEVENTH STREET
OOSTBURG WI 53070

In re Application of	:	
Bradley Lee Eckielen, David LeRoy Hagen	:	
Application No. 11/731,132	:	ON PETITION
Filed: July 30, 2007	:	
Title: Modular Digital UHF/VHF Antenna	:	

This is a decision on the renewed petition filed July 19, 2008, to accord the application a filing date of March 31, 2007.

The petition under 37 CFR 1.53 is **GRANTED**.

The application was deposited on March 31, 2007, without an oath or declaration. On May 3, 2007, the Office mailed a Notice of Missing Parts of Nonprovisional Application, giving applicants a two (2) month extendable period for reply in which to file an oath or declaration, together with a surcharge for its late filing. In addition, the Notice set a two (2) month period for reply to file replacement drawings. On July 30, 2007, applicants filed a declaration and paid the late surcharge. There is no indication that applicants filed replacement drawings. The Office mailed a filing receipt on August 8, 2007, in which it was indicated that the filing date of the application was July 30, 2007. On May 14, 2008, Applicants filed a petition to accord a filing date of March 31, 2007. However, the petition was dismissed in a decision mailed on June 30, 2008. The petition was dismissed because it was not signed by both of the inventors.

It is obvious from reviewing the file that the application is entitled to a filing date of March 31, 2007, as stated in the Notice to File Missing Parts mailed May 3, 2007. On March 31, 2007, the application contained a specification, including at least one claim, and drawings.

The application is being forwarded to the Office of Patent Application Processing for further processing, with a filing date of March 31, 2007, using the papers filed in the Office on that date, and the declaration filed on July 30, 2007.

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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JUN 14 2007

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:
Richard C. Fuisz	:
Serial No.: 11/731,139	: PETITION TO MAKE SPECIAL
Filed: March 30, 2007	:
Attorney Docket No.: 1199-70	:

This is in response to the petition filed May 22, 2007, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Back To Home Page

PATENT APPLICATION

11731139

PATENT APPLICATION

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P.O. BOX 587
SUNOL, CA 94586

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DEC 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Knowles et al.	:	TO WITHDRAW
Application No. 11/731,143	:	FROM RECORD
Filed: March 29, 2007	:	
Attorney Docket No. KNO-002	:	

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 13, 2009 and supplement on October 26, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Darien K. Wallace on behalf of all practitioners of record who are associated with Customer Number 47713.

All attorneys/agents associated with the Customer Number 47713 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no 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.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: GREGORY P. KNOWLES
38 MONTROSE AVENUE
NETHERBY SOUTH AUSTRALIA 5062 AUSTRALIA

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRAKE HUGHES BELLERMANN LLP
C/O CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 04/27/2010

Applicant	: Philip Wylie	: DECISION ON REQUEST FOR
Patent Number	: 7619991	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/731,187	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **332** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Nixon Peabody LLP
P.O. Box 60610
Palo Alto, CA 94306

Mail Date: 04/21/2010

Applicant	: Christopher J. Diorio	: DECISION ON REQUEST FOR
Patent Number	: 7573749	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,228	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **46** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Buhler Associates
Buhler, Kirk A.
1101 California Ave.
Suite 208
Corona, CA 92881

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FEB 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Jack Shawen, Jr.	:	
Application No. 11/731,243	:	DECISION ON PETITION
Filed: March 30, 2007	:	TO WITHDRAW
Attorney Docket No. JS01-02U	:	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 7, 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 Kirk A. Buhler on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/731,243	03/30/2007	Jack Shawen JR.	JS01-02U

CONFIRMATION NO. 7247

POWER OF ATTORNEY NOTICE

OC000000028053888

37038
BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

Date Mailed: 02/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/07/2007.

- 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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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

Mail Date: 04/21/2010

Applicant	: Mark J. Zdeblick	: DECISION ON REQUEST FOR
Patent Number	: 7637867	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,252	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **338** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

Mail Date: 05/18/2010

Applicant : Mark J. Zdeblick
Patent Number : 7637867
Issue Date : 12/29/2009
Application No : 11/731,252
Filed : 03/29/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **374** 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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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

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OFFICE OF PETITIONS

In re Application of

FUISZ, Richard C.
Application No. 11/731,381
Filed: March 30, 2007
Attorney Docket No. **1762-2**

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 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Richard C. Fuisz attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1636 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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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

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OFFICE OF PETITIONS

In re Application of	:	
Richard C. FUISZ	:	
Application No. 11/731,381	:	DECISION ON PETITION
Filed: March 30, 2007	:	
Attorney Docket No. 847.49288X00	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 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 requirement for restriction/election, mailed November 13, 2007, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 14, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an restriction/election, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The Power of Attorney and Change of Correspondence Address also filed November 13, 2008 are accepted.

Telephone inquiries concerning this decision should be directed to Karin Reichle at (571) 272-6051.

This application is being referred to Technology Center AU 1615 for appropriate action by the Examiner in the normal course of business on the reply received November 13, 2008.

for David Bucci
Petitions Examiner
Office of Petitions

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JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO, TX 78205

Mail Date: 04/20/2010

Applicant	: Chia-Hsiang Chen	: DECISION ON REQUEST FOR
Patent Number	: 7603749	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,383	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **306** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 10 2007

OFFICE OF PETITIONS

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of	:
Hubbard, et al.	: DECISION GRANTING STATUS
Application No. 11/731,425	: UNDER 37 CFR 1.47(a)
Filed: March 30, 2007	:
Atty. Dkt. No.: D-3240	:
For: SEISMICALLY STABLE	:
FLOORING	:

This decision is in response to the petition under 37 CFR 1.47(a), filed June 25, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 10 2007

OFFICE OF PETITIONS

Zoltan A. Kemeny
1809 E. La Vieve Lane
Tempe, AZ 85284

In re Application of
Hubbard, et al.
Application No. 11/731,425
Filed: March 30, 2007
Atty. Dkt. No.: D-3240
For: SEISMICALLY STABLE
FLOORING

: LETTER

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
Norman Rittenhouse

Application No. 11731427

Filed: March 30,2007

Attorney Docket No. PC-2270

: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 31-MAR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/731,427	Confirmation Number	7378	Filing Date	2007-03-30
Attorney Docket Number (optional)	PC-2270	Art Unit	2834	Examiner	
First Named Inventor	Norman Rittenhouse				
Title of Invention	High-Efficiency Wheel-Motor Utilizing Molded Magnetic Flux Channels With Traverse-Flux Stator				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Norman	P	Rittenhouse	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Brian S. Steinberger/	Date (YYYY-MM-DD)	2008-03-31
Name	Brian S. Steinberger	Registration Number	36423

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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INTEL CORPORATION
c/o INTELLEVATE LLC
PO BOX 52050
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
Guo, et al.	:	
Application No. 11/731,431	:	DECISION REFUSING STATUS
Filed: March 30, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. P25400	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 23, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee;

and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirements (1), (3), or (4) above.

Rule 47 applicant has not demonstrated diligent effort in attempting to find non-signing inventor Long Li. With respect to showing diligent effort, "an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made."[1] Here, Applicant has provided no documentary evidence, such as a copy of an internet search.[2] Rather, Applicant has only stated the conclusion that Li's former manager, Joey Ye, attempted to find him, but was unsuccessful. Rule 47 applicant has provided no details as to what efforts were made to locate Li.

With respect to requirement (3), Rule 47 applicant has not submitted the $200 petition fee.

With respect to requirement (4), Rule 47 applicant has not provided a statement of the last known address of Li.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] MPEP 409.03(d).

[2] Such documentary evidence should be made part of the affidavit or declaration. See id.

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OFFICE OF PETITIONS

In re Application of	:	
Guo, et al.	:	
Application No. 11/731,431	:	DECISION NOTING JOINDER
Filed: March 30, 2007	:	OF INVENTOR AND PETITION
Attorney Docket No. P25400	:	UNDER 37 CFR 1.47(a) MOOT

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 24, 2008.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Applicant filed a petition under 37 CFR 1.47(a) on July 23, 2007. However, the petition was dismissed in a decision mailed on August 27, 2007. The decision set a two month extendable period for reply. The instant request for reconsideration was made timely by obtaining a three month extension of time.

In view of the **joinder** of inventors Chan and Carrion-Rodrigo, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be **moot**. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The matter is being forwarded to Group Art Unit 2193 for docketing and examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

DATE MAY 1 1 2007 APPLICATION NUMBER 11731435

DOC CODE PETDEC DOC DATE 05/14/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

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OFFICE OF PETITIONS

In re Application of

DIXON, et al.
Application No. 11/731,435
Filed: March 30, 2007
Attorney Docket No. 680P001C

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 30, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the statement of inventor David A. Gibbs, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

Monica A. Graves
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

Mail Date: 04/21/2010

Applicant	: Mark J. Zdeblick	: DECISION ON REQUEST FOR
Patent Number	: 7640060	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,490	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **337** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

Mail Date: 05/18/2010

Applicant : Mark J. Zdeblick
Patent Number : 7640060
Issue Date : 12/29/2009
Application No : 11/731,490
Filed : 03/29/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **376** 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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BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Kevin P. Kealy	: DECISION ON REQUEST FOR
Patent Number	: 7613857	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,511	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **286** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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In re Application of	:
Kealy, et al.	: LETTER REGARDING
Application No.: 11/731,523	: PATENT TERM ADJUSTMENT
Filed: March 30, 2007	:
Attorney Docket No. 10519/184	:

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" filed July 13, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants requests that the determination of patent term adjustment under 35 U.S.C 154(b) be reviewed for accuracy.

The request for review of determination of the patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is eighteen (18) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On July 2, 2009, a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed indicating that the patent term adjustment to date was 74 days. On July 13, 2009, applicants submitted the instant comment. Applicants disclose that applicants believe that the patent term adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed July 2, 2009, is incorrect. Specifically, applicants state that:

> The PTO has awarded 74 days of patent term adjustment (PTA). However, it appears Applicants are only entitled to 18 days of PTA.

Excerpt from Communication Regarding Patent Term Adjustment filed July 13, 2009, page 1

A review of the record reveals that an additional period of reduction is warranted under 37 CFR 1.704(c)(8) for the filing of an IDS on June 16, 2009.

37 CFR 1.704(c)(8) provides that:

> (c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date the supplemental reply or other such paper was filed.

37 CFR 1.704(d) provides that:

> (d) A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6),(c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c)more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

It is undisputed that applicants filed Information Disclosure Statements on April 21, 2009, and June 16, 2009, after a response was filed to the non-final Office action on March 6, 2009. A review of the Information Disclosure Statements, filed April 21, 2009, and June 16, 2009, reveals that the Information Disclosure Statements were not accompanied by a statement under 37 CFR 1.704(d). Furthermore, the record does not support a conclusion that the examiner expressly requested the filing of either Information Disclosure Statement. Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application.

Pursuant to 37 CFR 1.704(c)(8), a first period of reduction of 46 days was entered, counting the number of days beginning on the day after the date the reply was filed, March 7, 2009, and ending on the date that the IDS was filed, April 21, 2009. Pursuant to 37 CFR 1.704(c)(8), a second period of reduction of 102 days should have been entered, counting the number of days beginning on the day after the date the initial reply was filed, March 7, 2009, and ending on the date that the IDS was filed, June 16, 2009.

37 CFR 1.704(c) provides that "[c]ircumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application … will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping." In this instance, the first period of reduction of 46 days (from March 7, 2009 to April 21, 2009) totally overlaps with the second period of reduction of 102 days (from March 7, 2009 to June 16, 2009). Accordingly, an additional period of reduction of 56 days (i.e. the non-overlapping period from April 22, 2009 to June 16, 2009) is warranted and will be entered.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance is **eighteen (18) days** (154 days of Office delay - 136 (34 + 46 + 56) days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in the calculation of the Patent Term Adjustment, the Office will not assess the $200.00 application fee under 37 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

Telephone inquiries regarding this specific matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Thursday
Date: 8/27/2009

PALM INTRANET

Time: 07:37:25

PTA Calculations for Application: 11/731523			
Application Filing Date:	03/30/2007	PTO Delay (PTO):	154
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	80
Post-Issue Petitions:	0	Total PTA (days):	18
PTO Delay Adjustment:	-56		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
71	08/27/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		56	
57	07/02/2009	MAIL NOTICE OF ALLOWANCE			
56	07/01/2009	ISSUE REVISION COMPLETED			
55	07/01/2009	DOCUMENT VERIFICATION			
54	07/01/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
53	06/30/2009	NOTICE OF ALLOWABILITY			
52	06/16/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
51	04/21/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
50	02/03/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
49	12/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	06/16/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
47	04/27/2009	PARALEGAL TD ACCEPTED			
46	03/06/2009	TERMINAL DISCLAIMER FILED			
45	04/23/2009	DATE FORWARDED TO EXAMINER			
44	03/06/2009	RESPONSE AFTER NON-FINAL ACTION		34	32
43	03/06/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
42	04/21/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		46	44
41	04/21/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
40	02/03/2009	REFERENCE CAPTURE ON IDS			

39	02/03/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	02/03/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	12/10/2008	REFERENCE CAPTURE ON IDS			
36	12/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	09/04/2008	REFERENCE CAPTURE ON IDS			
34	09/04/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	12/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	10/31/2008	MAIL NON-FINAL REJECTION	154		-1
31	10/27/2008	NON-FINAL REJECTION			
24	09/04/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	07/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	05/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	03/30/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
20	10/02/2008	PG-PUB ISSUE NOTIFICATION			
19	09/04/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	09/03/2008	CASE DOCKETED TO EXAMINER IN GAU			
17	07/10/2008	REFERENCE CAPTURE ON IDS			
16	07/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	05/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	03/30/2007	REFERENCE CAPTURE ON IDS			
13	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	07/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	05/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	10/31/2007	CASE DOCKETED TO EXAMINER IN GAU			
9	07/02/2007	CASE DOCKETED TO EXAMINER IN GAU			
8	06/19/2007	IFW TSS PROCESSING BY TECH CENTER			

		COMPLETE			
7	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
5	04/25/2007	SENT TO CLASSIFICATION CONTRACTOR			
4	04/25/2007	APPLICATION IS NOW COMPLETE			
3	04/19/2007	CLEARED BY OIPE CSR			
2	04/13/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/02/2007	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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CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Kevin P. Kealy	: DECISION ON REQUEST FOR
Patent Number	: 7603499	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,523	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of:	:
Gorobets et al.	: LETTER REGARDING
Application No. 11/731531	: PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 03/30/2007	:
Atty. Docket No.: 10519/224	:

This letter is in response to the "NOTICE CONCERNING OVERCALCULATION OF PATENT TERM ADJUSTMENT," filed July 30, 2009. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 18 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Determination of Patent Term Adjustment mailed July 10, 2009 indicated that the above-identified application was entitled to a PTA of 74 days. Applicants provide that it appears that applicants are only entitled to 18 days of patent term adjustment.

Review of the record reveals that the Office neglected to assess a reduction of 56 days in accordance with 37 CFR 1.704(c)(8) in connection with the Information Disclosure Statement ("IDS") filed June 16, 2009. The reduction commenced April 22, 2009, the day after the date the first supplemental reply was filed, and ended on June 16, 2009, the date that the second supplemental reply (IDS), was filed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **18 days**, (156 days of PTO delay, reduced by 138 days of applicant delay), subject to any terminal disclaimer.

Given the basis for granting this petition, no fee has been charged. The Office thanks applicants for their candor and good faith in bringing this matter to the attention of the Office.

The file is being forwarded to the Office of Data Management for processing into a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

/ALESIA M. BROWN/

Alesia Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Updated PAIR Screen

PALM INTRANET

Day : Monday
Date: 11/9/2009
Time: 08:30:24

PTA Calculations for Application: 11/731531

Application Filing Date:	03/30/2007	PTO Delay (PTO):	156
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	82
Post-Issue Petitions:	0	Total PTA (days):	18
PTO Delay Adjustment:	-56		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
78	11/07/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		56	
60	07/10/2009	MAIL NOTICE OF ALLOWANCE	4		45
59	07/09/2009	ISSUE REVISION COMPLETED			
58	07/09/2009	DOCUMENT VERIFICATION			
57	07/09/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	07/06/2009	NOTICE OF ALLOWABILITY			
55	06/16/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
54	04/21/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
53	12/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
52	02/03/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
51	06/16/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
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39	12/10/2008	REFERENCE CAPTURE ON IDS			
38	12/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	09/04/2008	REFERENCE CAPTURE ON IDS			
36	09/04/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	07/10/2008	REFERENCE CAPTURE ON IDS			
34	07/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	05/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	12/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	10/29/2008	MAIL NON-FINAL REJECTION	152		-1

30	10/27/2008	NON-FINAL REJECTION			
29	09/04/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	07/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	05/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	03/30/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	10/24/2008	CASE DOCKETED TO EXAMINER IN GAU			
20	10/02/2008	PG-PUB ISSUE NOTIFICATION			
19	09/04/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	07/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	05/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
15	10/15/2007	FLAGGED FOR 5/25			
14	08/08/2007	CASE DOCKETED TO EXAMINER IN GAU			
12	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	06/14/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	03/30/2007	REFERENCE CAPTURE ON IDS			
8	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
7	04/20/2007	SENT TO CLASSIFICATION CONTRACTOR			
6	04/20/2007	APPLICATION IS NOW COMPLETE			
3	04/14/2007	CLEARED BY OIPE CSR			
2	04/10/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/02/2007	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Sergey A. Gorobets	: DECISION ON REQUEST FOR
Patent Number	: 7633799	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,531	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **33** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of
Michael Ravkin, et al.
Application No. 11/731,532
Filed: March 30, 2007
Attorney Docket No. LAM2P598

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(f)

This is a decision in response to the petition, filed December 19, 2008, under 37 CFR 1.137(f) 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.

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 22, 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 petition is found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 11, 2009 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being referred to the Technology Center 3781 for further processing..

Sherry D. Brinkley
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
11/731,532	03/30/2007	Michael Ravkin	LAM2P598

CONFIRMATION NO. 7632

25920
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

NONPUBLICATION RESCISSION LETTER

OC000000034845717

Date Mailed: 03/05/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/11/2009.

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".

/sdbrinkley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 05/21/2010

Applicant	: Sun-II Kim	: DECISION ON REQUEST FOR
Patent Number	: 7659825	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/731,547	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **206** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Tetsujiro Kondo	: DECISION ON REQUEST FOR
Patent Number	: 7602428	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,548	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **208** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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4417 Lancaster Pike
Wilmington, DE 19805

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OFFICE OF PETITIONS

In re Application of	:	
Daniel A. Benton et al.	:	
Application No. 11/731,569	:	DECISION ON PETITION
Filed: March 29, 2007	:	
Attorney Docket No. FA1615 USNA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed April 19, 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 20, 2007. A Notice of Abandonment was mailed on December 28, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed oath or declaration, with the required $130 surcharge fee, (2) the petition fee of $1540 and (3) a proper statement of unintentional delay. Accordingly the oath and declaration is accepted as being unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. 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/she is authorized to represent the particular party in whose behalf he/she acts.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $120 extension of time fee submitted with the petition on September 20, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to 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 April 21, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

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DANIEL L. DAWES
MYERS DAWES ANDRAS & SHERMAN LLP
SUITE 1150
19900 MACARTHUR BOULEVARD
IRVINE CA 92612

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OFFICE OF PETITIONS

In re Application of

SUN, Lizhi et al.
Application No. 11/731,624
Filed: March 30, 2007
Attorney Docket No. **UC1.PAU.86**

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 02, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Joseph Andras on behalf of all attorneys of record who are associated with customer No. 23386. All attorneys/agents associated with the Customer Number 23386 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 Lizhi Sun 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: **LIZHI SUN**
2014 E. LOS TRANCOS DRIVE
IRVINE CA 92612

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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604

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JUN 29 2010

OFFICE OF PETITIONS

In re Application of
Kagan et al.
Application No. 11/731,629
Filed: March 30, 2007
Attorney Docket No. 102314-175

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed May 10, 2010, to change the order of the names of the joint inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been charged to petitioners' credit card.

This application is being referred to Technology Center AU 2162 for consideration of applicants' reply to the December 16, 2009 non-final Office action, which was filed on May 17, 2010.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-

Shirene Willis Brantley
Senior Petitions Attorney
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
11/731,629	03/30/2007	2162	1784	102314-175	31	3

CONFIRMATION NO. 8209

CORRECTED FILING RECEIPT

OC000000042254821

21125
NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Date Mailed: 06/24/2010

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)

Harris D. Kagan, Foxboro, MA;
David Hardin, Franklin, MA;

Assignment For Published Patent Application

Invensys Systems, Inc., Foxboro, MA

Power of Attorney: The patent practitioners associated with Customer Number 021125

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/788,373 03/30/2006
and claims benefit of 60/856,572 11/03/2006

Foreign Applications

If Required, Foreign Filing License Granted: 04/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/731,629**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Digital data processing apparatus and methods for improving plant performance

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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WILLIAM C. FUESS
10951 SORRENTO VALLEY ROAD 2G
SAN DIEGO CA 92121

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JAN 08 2009

In re Application of	:	
Linke et al.	:	
Application No. 11/731,683	:	DECISION ON PETITION
Filed: March 29, 2007	:	
Attorney Docket No. PS 0021P	:	

This is a decision on the petition, filed December 12, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers mailed April 20, 2007. A Notice of Abandonment was mailed on December 28, 2007. In response on December 12, 2008, the present petition was filed.

Petitioner requests, in effect, that the abandonment be withdrawn since a response was timely filed. In support, petitioner has submitted a copy of the transmittal letter for the response that was previously mailed. It is noted that the response was directed to an incorrect application number, rather than the application number noted on the Notice of April 20, 2007.

Nevertheless, a response that has an incorrect application number is handled in accordance with MPEP 508.03. If a paper having an incorrect application number contains sufficient information to identify the correct application and it was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the papers with the correct application. The response filed July 26, 2007, using a Certificate of Mailing under 37 CFR 1.8 dated July 20, 2007, will be removed from the incorrect Image File Wrapper (IFW) and uploaded to the correct one identified above.

The holding of abandonment is hereby withdrawn and the application is restored to pending status.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

Telephone inquires related to this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COURTNEY STANIFORD & GREGORY LLP
P.O. BOX 9686
SAN JOSE CA 95157

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JAN 1 8 2008

OFFICE OF PETITIONS

In re Application of	:
Jalloul et al.	:
Application No. 11/731714	: DECISION ON PETITION
Filed: 03/30/2007	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. BCEM.P024	:

This is a decision on the Petition Under 37 C.F.R. 1.182 to Correct Domestic Priority Data," filed September 21, 2007. The petition is properly treated under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application[1].

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

For a benefit claim under 35 U.S.C. 119(e), the later-filed application must be filed not later than 12 months after the filing date of the prior provisional application. Accord, 35

[1] A petition 37 CFR § 1.182 is applicable only in situations that have not been provided for elsewhere in the rules, and is not a mechanism for avoiding established rules of practice. In this instance, 37 CFR 1.78 specifically provides for correction of priority claims. It is also noted that the petition attempts to correct the filing date of provisional application 60/787,392, based upon an assertion that application 60/787,392 was deposited using the Express Mail Service of the United States Postal Service ("USPS"). A petition to correct a filing date based upon an Express Mail date of deposit is specifically provided for in 37 CFR 1.10.

U.S.C. § 111(b)(5). See, also, MPEP 201.11(II). The above-identified nonprovisional application was filed on March 30, 2007; however, the filing date of the provisional application for which priority is claimed, Application No. 60/787,392, is March 29, 2006, and the provisional application was abandoned on March 30, 2007. Because the present application was not filed within twelve months of the filing date of the prior-filed provisional application, the petition for the benefit claim under 35 U.S.C. § 119(e) may not be granted.

Moreover, regarding the request in the petition to correct the filing date of provisional Application 60/787,392; 37 CFR 1.4(b), requires each file to be complete in itself, and mandates that a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. In order to correct the filing date of provisional Application 60/787,392, Applicant must file a petition in Application 60/787,392.

A petition fee of $400.00 was charged to Applicant's deposit account. As authorized, the balance of the $1370 fee required by 37 CFR 1.78(a)(6)(ii) will be charged to petitioner's Deposit Account No. 50-3616.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Director for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
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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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

JUN 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	
Application No. 11/731727	:	DECISION ON
Filing or 371(c) Date: 03/30/2007	:	PETITION
Attorney Docket Number: P24779	:	

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed March 8, 2010.

This Petition is hereby granted.

This application became abandoned for failure to timely pay the issue fee on or before December 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 17, 2009. Accordingly, the date of abandonment of this application is December 18, 2009. A Notice of Abandonment was mailed January 7, 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 and publication fees (previously submitted on December 18, 2010); (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

This application is being referred to the Office of Data Management for processing into a patent.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Jeffrey A. Simpson	: DECISION ON REQUEST FOR
Patent Number	: 7583368	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,739	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **381** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/731,761	03/30/2007	Tae-In Hyon	678-3118 (P14245)	5823

7590 02/03/2010
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

EXAMINER
SANTIAGO CORDERO, MARIVELISSE

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
02/03/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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MALLOY & MALLOY, P.A.
2800 S. W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI FL 33126

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OFFICE OF PETITIONS

In re Application of

PERALES, Reynaldo J.
Application No. 11/731,780
Filed: March 03, 2007
Attorney Docket No. **1.522.06**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 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. 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 Jennie S. Malloy 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 Reynaldo J. Perales 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: **REYNALDO J. PERALES**
343 SPAATZ
SAN ANTONIO, TEXAS 78211

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HISTORIC CORAL WAY
MIAMI FL 33126

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of

PERALES, Reynaldo J.
Application No. 11/731,780
Filed: March 03, 2007
Attorney Docket No. **1.522.06**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 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. 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 Jennie S. Malloy 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 Reynaldo J. Perales 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: **REYNALDO J. PERALES**
343 SPAATZ
SAN ANTONIO, TEXAS 78211

UNITED STATES PATENT AND TRADEMARK OFFICE

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POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

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JAN 06 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Birnbaum et al. :
Application No. 11/731,797 :
Filed: March 30, 2007 :
Attorney Docket No. 0072045-000020 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a complete reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 19, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. In view of the 4-month extension of time filed October 24, 2008, using a Certificate of Mailing under 37 CFR 1.8 dated October 19, 2008, the date of abandonment of this application is October 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration, substitute specification, filing fees and surcharge, (2) the petition fee of $770, and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed October 24, 2008.

Telephone inquires related to this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Hansen, et al. :
Application No. 11/731,807 : DECISION ON PETITION
Filed: March 31, 2007 :
Attorney Docket No. OH-03 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned August 21, 2007 for failure to timely file a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 20, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Notice of Abandonment was mailed May 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply to the Notice, (2) the required petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3205.

This application is being returned to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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KIRK A. BUHLER
BUHLER ASSOCIATED
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Larry R. Forbes	:	
Application No. 11/731,850	:	DECISION ON PETITION
Filed: April 2, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. LF1-02U	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 16, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes 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 2831 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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BRINKS, HOFER, GILSON & LIONE
P.O. Box 1340
Morrisville, NC 27560

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Jack Goodman	:	
Application No. 11/731,855	:	DECISION ON PETITION
Filed: March 30, 2007	:	TO WITHDRAW
Attorney Docket No. CMED.10236NP	:	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 29, 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 Allen R. Baum on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed January 8, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Philip S. Johnson**
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/731,855	03/30/2007	Jack Goodman	

CONFIRMATION NO. 1161

POWER OF ATTORNEY NOTICE

45473
BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE, NC 27560

OC000000036350976

Date Mailed: 06/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/29/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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AUG 15 2008

In re Application of	:	
Bhatia et al.	:	
Application No. 11/731857	:	
Filing or 371(c) Date: 03/30/2007	:	ON PETITION
Attorney Docket Number:	:	
20017-124001 / 2007P00171	:	

This decision is in response to the Petition under 37 CFR 1.182 to correct inventor's name, filed April 4, 2008. The delay in treating this petition is regretted.

The MPEP 605.04(c), Inventor Changes Name, provides

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The petition is hereby **granted**. Receipt of the Application Data Sheet filed with the petition is hereby acknowledged.

The name of inventor Bianka Peihl has been changed to Bianka Woelke and the name Bianka Woelke has been entered and made of record in the above-identified application.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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
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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
11/731,857	03/30/2007	3694	2380	20017-124001 / 2007P00171	15	3

CONFIRMATION NO. 1149

CORRECTED FILING RECEIPT

32864
FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000031464733

Date Mailed: 08/08/2008

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)

Kulwant Singh Bhatia, Bangalore, INDIA;
Suresh Honnappanavar, Gadag, INDIA;
Miguel Lencinas, Schwetzingen, GERMANY;
Bianka Woelke, Heidelberg, GERMANY;
Steffen Rotsch, Rauenberg, GERMANY;
Thomas Schira, Wiesloch, GERMANY;
Beate Weiner, Lorsch, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 32864

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/788,574 03/31/2006
and claims benefit of 60/837,196 08/11/2006
and claims benefit of 60/819,942 07/10/2006

Foreign Applications

If Required, Foreign Filing License Granted: 04/24/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/731,857**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Consistent set of interfaces derived from a business object model

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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BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

COPY MAILED

JUL 2 1 2008

OFFICE OF PETITIONS

In re Application of :
WHYTE, Ricardo J. :
Application No. 11/731,858 : DECISION ON PETITION
Filed: April 02, 2007 : TO WITHDRAW
Attorney Docket No. **RW01-02U** : 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 24, 2008 and resubmitted July 14, 2008.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Kirk A. Buhler on behalf of all attorneys of record who are associated with customer No. 37038. 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 Ricardo J. Whyte at the address indicated below.

There is an outstanding Office action mailed July 10, 2008 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: **RICARDO J. WHYTE**
25430 SONORA-LOOP
LOMA LINDA, CALIFORNIA 92354

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BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

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OFFICE OF PETITIONS

In re Application of	:	
WHYTE, Ricardo J.	:	
Application No. 11/731,858	:	DECISION ON PETITION
Filed: April 02, 2007	:	TO WITHDRAW
Attorney Docket No. **RW01-02U**	:	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 14, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Kirk A. Buhler on behalf of all attorneys of record who are associated with customer No. 37038. 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 Ricardo J. Whyte at the address indicated below.

There is an outstanding Office action mailed July 10, 2008 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: **RICARDO J. WHYTE**
25430 SONORA-LOOP
LOMA LINDA, CALIFORNIA 92354

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-24-09

TO SPE OF : ART UNIT 2876

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/731866 ~~7559474~~ Patent No 7559474

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check Columns

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

Ennis Young
Certificates of Correction Branch
703-756-1542

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: Amendment was filed with payment of the issue fee. The amendment should have been entered.

SPE

2876
Art Unit

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ExxonMobil Research and Engineering Company
P.O. Box 900
Annandale NJ 08801-0900

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Buck et al.	:	
Application No. 11/731880	:	
Filing or 371(c) Date: 03/30/2007	:	
Attorney Docket Number:	:	
GPK-0708	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed January 16, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed April 25, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned June 26, 2007. A Notice of Abandonment was mailed January 3, 2008.

Applicant files the present petition; oath/declaration, and late filing fees in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of the basic filing fee (filed April 10, 2007), and an oath/declaration; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

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MAY 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,594,608	:	
Issued: September 29, 2009	:	
Application No. 11/731,905	:	ON PETITION
Filed: March 30, 2007	:	
Attorney Docket No. H28793	:	

This letter is in response to the Request, filed February 22, 2010, that (1) urges that the previously filed Request on January 23, 2009 to correct a misspelling of applicant's name is no longer applicable, and (2) requests that no action be taken in response to the January 23, 2009 Request.

The February 22, 2010 Request is **GRANTED**.

Petitioner contends that the request to correct the misspelling of applicant's name is not applicable since the granting of a Request for Amendment of Inventorship under 37 CFR 1.48(b) filed March 30, 2007, removed the applicant from the application. Therefore, the petition filed January 23, 2009 is unnecessary in view of the decision which was rendered on April 27, 2009. Accordingly, the United States Patent and Trademark Office will disregard the January 23, 2009 Request and take no further action in response thereto.

The address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this matter should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Thomas J. Perkowski
22 Thorndal Circle
Darien, Connecticut 06820

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Alexandria, VA 22313-1450
www.uspto.gov

YOUSEF DANESHVAR, MD. FACC
3425 LONE PINE RD.
WEST BLOOMFIELD MI 48323

2/2/09

In re Application of:
DANESHVAR, YOUSEF
Serial No.: 11/731,945
Filed: Apr.2, 2007
Docket: n/a
Title: DANESHVAR MEDICATION PADS, SUPPOSITORIES AND METHODS

DECISION ON PETITION TO REVIEW RESTRICTION REQUIREMENT UNDER 37 CFR 1.144

This is a decision on the petition filed October 17, 2008 to review the restriction requirement issued on June 17, 2008. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is **GRANTED**.

In his October 17, 2008 petition, the petitioner requests the examiner to withdraw the restriction requirement issued on June 17, 2008 regarding two inventions as related as product and process of use under MPEP § 806.05(h). In view of the fact that the applicant has substantively amended the original withdrawn claims 34-36, the original restriction is no longer applicable. However, after consulting with the examiner, it was agreed that the restriction requirement June 17, 2008 would be withdrawn. An Office action on the merits for the amendment filed on October 17, 2008 including previously withdrawn and now amended claims 34-36 will be issued in due course.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

Donald T. Hajec, Director
Technology Center 3700

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OFFICE OF PETITIONS

ROBERT J. DEPKE
LEWIS T. STEADMAN
ROCKEY, DEPKE & LYONS, LLC
SUITE 5450 SEARS TOWER
CHICAGO IL 60606-6306

In re Application of
Masaru Kawakami
Application No. 11/731,951
Filed: April 2, 2007
Attorney Docket No.: 075834.00997

DECISION GRANTED

This is a decision on the petition filed June 21, 2007 (certificate of transmission June 20, 2007), requesting in effect, the Notice of Omitted Items in a Nonprovisional Application be withdrawn.

The application was filed on April 2, 2007. However, on April 20, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of April 2, 2007 but figures 7A-7D and 11B as described in the specification appeared to have been omitted. The Notice also noted that pages 77 and 84 of the specification also appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figures 7A-7D and 11B were filed on April 2, 2007. Petitioner also contends that pages 77 and 84 of the specification were also present on filing. In support, the petition is accompanied by a copy of applicant's return postcard receipt which lists " 24 sheets of Drawings (Figs. 1A-24B), Specification (88pgs)". The petition is further accompanied by a copy of figures 7A-7D and 11B and pages 77 and 84 of the specification.

Applicant's postcard receipt is prima facie evidence that at least 24 sheets of drawings including figures 7A-7D and 11B as described in the specification were received on April 2, 2007, but figures 7A-7D are not present in the file. Therefore, it is concluded that figures 7A-7D were received on April 2, 2007, as shown in counsel's file, and later misplaced in the office. Further review of the drawings submitted on April 2, 2007 shows that figure 11B was an unlabeled figure.

Applicant is not seeking to submit any additional drawings. However, the office was correct in stating that figure 11B appeared to have been omitted. The "Notice" mailed April 20, 2007, was correct in advising applicant that figure 11B appeared to have been omitted, since no drawings labeled "figure 11B" were filed on April 2, 2007. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Applicant's postcard receipt also serves as prima facie evidence that at least 88 pages of specification (description and claims), including pages 77 and 84 were received on April 2, 2007, but pages 77 and 84 are not present in the file. Therefore, it is concluded that pages 77 and 84 of the specification was received on April 2, 2007, as shown in counsel's file, and later misplaced in the office.

The petition is Granted to the extent indicated above. The $400.00 petition fee will not be refunded because the petition was in-part required for the failure to label figure 11B.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 2, 2007, using the papers submitted on April 2, 2007 and substitute figures 7A-7D and pages 77 and 84 of the specification supplied with the petition on June 20, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS, MN 55402-1630

Mail Date: 04/21/2010

Applicant	: A. Kent Keller	: DECISION ON REQUEST FOR
Patent Number	: 7651711	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/731,955	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **287** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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 W. HAAS
RESPIRONICS, INC.
1010 MURRY RIDGE LANE
MURRYSVILLE, PA 15668

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JAN 14 2009

In re Application of :
Charles R. Altas, et. al. :
Application No. 11/731,975 : ON PETITION
Filed: April 2, 2007 :
Attorney Docket No. 011361US2 :

This is a decision on the petition, filed November 11, 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 November 11, 2008. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of
Charles R. Altas, et. al.
Application No. 11/731,975
Filed: April 2, 2007
Attorney Docket No. 011361US2

ON PETITION

This is a decision on the renewed petition, filed February 27, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of two applications filed in an eighteen-month publication country on April 2, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 2, 2009 accompanies this decision on petition.

Since the address given in the present petition differs from the address of record, a courtesy copy of this decision is being mailed to the address in the petition. Thereafter, all future correspondence will be mailed solely to the address of record until otherwise instructed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

This application is being referred to Technology Center Art Unit 2629 for examination in due course.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

cc: Michael W. Haas
Respironics, Inc.
1010 Murry Ridge Lane
Murrysville, PA 15668

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/731,975	04/02/2007	Charles R. Altas	011361US2

CONFIRMATION NO. 9413

30031
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

NONPUBLICATION RESCISSION LETTER

OC000000035188919

Date Mailed: 03/26/2009

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 07/02/2009.

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".

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS, MN 55402-1630

Mail Date: 04/21/2010

Applicant	: A. Kent Keller	: DECISION ON REQUEST FOR
Patent Number	: 7651712	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,018	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **291** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS, MN 55402-1630

Mail Date: 04/21/2010

Applicant	: A. Kent Keller	: DECISION ON REQUEST FOR
Patent Number	: 7651713	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,035	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **291** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AKIN GUMP STRAUSS HAUER & FELD LLP
1111 Louisiana Street
44th Floor
Houston TX 77002

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FEB 0 4 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
HILEMAN et al. :
Application No. 11/732,037 :
Deposited: April 2, 2007 :
Attorney Docket No. 681149.0045 :

This is a decision on the "PETITION UNDER 37 CFR 1.57(a)(3) TO ADD INADVERTENTLY OMITTED SPECIFICATION TO THE ABOVE REFERENCED APPLICATION AND TO AFFORD THE APPLICATION WITH AN APRIL 2, 2007 FILING DATE," filed August 17, 2007.

For the reasons stated herein, the petition is **DISMISSED**.

Petitioners are given **TWO (2) MONTHS** from the mailing date of this decision to correct the below-noted deficiencies, including supplying an amendment in compliance with 37 CFR 1.57 and 37 CFR 1.121 or otherwise, properly respond. This period is not extendable. See 37 CFR 1.181(f). The reconsideration request should include a cover letter entitled "RENEWED PETITION UNDER 37 CFR 1.57(a)."

Petitioners deposited the application papers on April 2, 2007. On August 7, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without a specification as prescribed by 35 U.S.C. 112. Additionally, the Notice required petitioners to submit replacement drawing in compliance with 37 CFR 1.48 and 37 CFR 1.121(d).

On August 17, 2007, petitioners submitted the present petition, the $400.00 petition fee, replacement drawings, a copy of the inadvertently omitted specification, a copy of prior-filed Application No. 11/488,266, and an identification of where the inadvertently omitted specification could be found in the prior-filed application. Petitioners assert that they inadvertently omitted the specification upon filing the present application and request entry of the preliminary amendment to include the specification based on the incorporation by reference of the prior-filed nonprovisional application pursuant to 37 CFR 1.57.

37 CFR § 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> > (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
> >
> > (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
> >
> > (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The present application was deposited after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. Petitioners assert that the application, as deposited on April 2, 2007, included a claim for the benefit of priority to Application No. 11/488,266, filed July 18, 2006. Further, petitioners state that the inadvertently omitted specification is completely contained in Application No. 11/488,266, and can be found in pages 1 through 32 of the prior-filed application.

A review of the present application, as deposited on April 2, 2007, confirms that it included a claim under 37 CFR 1.78 to the prior-filed nonprovisional application. However, the amendment to add the inadvertently omitted specification does not comply with 37 CFR 1.57(a) and 37 CFR 1.121 because it is physically part of the petition, rather than commencing on a separate sheet.

In view thereof, the petition must be dismissed.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit their response to this decision via EFS-Web.

Telephone inquiries related to this decision may be directed to Christina Tartera Donnell, Senior Petitions Attorney at (571) 272-3211.

Charles Pearson
Director
Office of Petitions

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AKIN GUMP STRAUSS HAUER & FELD LLP
1111 Louisiana Street
44th Floor
Houston TX 77002

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OFFICE OF PETITIONS

In re Application of	:	
HILEMAN et al.	:	
Application No. 11/732,037	:	ON PETITION
Filed: April 2, 2007	:	
Attorney Docket No. 681149.0045	:	

This is a decision on the "RENEWED PETITION UNDER 37 CFR 1.57(a)(3) TO ADD INADVERTENTLY OMITTED SPECIFICATION TO THE ABOVE REFERENCED APPLICATION AND TO AFFORD THE APPLICATION WITH AN APRIL 2, 2007 FILING DATE," filed April 3, 2008.

Petitioners deposited the application papers on April 2, 2007. On August 7, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without a specification as prescribed by 35 U.S.C. 112. Additionally, the Notice required petitioners to submit replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d).

On August 17, 2007, petitioners submitted a petition under 37 CFR 1.57(a), the $400.00 petition fee, replacement drawings, a copy of the inadvertently omitted specification, a copy of prior-filed Application No. 11/488,266, and an identification of where the inadvertently omitted specification could be found in the prior-filed application. Petitioners asserted that they inadvertently omitted the specification upon filing the present application and requested entry of the preliminary amendment to include the specification based on the incorporation by reference of the prior-filed nonprovisional application pursuant to 37 CFR 1.57. However, the amendment to add the inadvertently omitted specification did not comply with 37 CFR 1.57(a) and 37 CFR 1.121 because it was physically part of the petition, rather

than commencing on a separate sheet. Thus, the petition was dismissed by the decision of February 4, 2008. On April 3, 2008, petitioners submitted the present renewed petition and an amendment to add the inadvertently omitted specification, commencing on a separate sheet.

37 CFR § 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> > (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
> >
> > (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
> >
> > (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
> >
> > (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
> >
> > ...

> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The present application was deposited after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. On renewed petition, petitioners assert that the application, as filed on April 2, 2007, included a claim for the benefit of priority to Application No. 11/488,266, filed July 18, 2006. Further, petitioners state that the inadvertently omitted specification is completely contained in Application No. 11/488,266, and can be found in pages 1 through 32 of the prior-filed application. A review of the application confirms that it included a claim under 37 CFR 1.78 to the prior-filed nonprovisional application on filing.

The present petition meets all of the requirements of 37 CFR 1.57(a). Pursuant to 37 CFR 1.57(a), the claim under 37 CFR 1.78 is considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the drawings. In view thereof, the petition is **GRANTED**.

The application is being forwarded to the Office of Patent Application Processing to **accord the application a filing date of April 2, 2007**, as an application claiming priority of prior-filed Application No. 11/488,266, including the copy of the specification from the prior-filed nonprovisional application supplied on August 17, 2007.

Telephone inquiries related to this decision may be directed to Christina Tartera Donnell, Senior Petitions Attorney at (571) 272-3211.

Anthony Knight for
Charles Pearson
Director
Office of Petitions

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Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS, MN 55402-1630

Mail Date: 04/21/2010

Applicant	: A. Kent Keller	: DECISION ON REQUEST FOR
Patent Number	: 7651714	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,041	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LESAVICH HIGH-TECH LAW GROUP, P.C.
SUITE 325
39 S. LASALLE STREET
CHICAGO IL 60603

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OFFICE OF PETITIONS

In re Application of	:	
YAO, Robert Y.	:	
Application No. 11/732,068	:	DECISION ON PETITION
Filed: April 02, 2007	:	TO WITHDRAW
Attorney Docket No. **07,100**	:	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 13, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The 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, will be better served using another patent attorney, 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.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ROBERT YAO**
901 EAST VAN BUREN
UNIT 3091
PHOENIX, AZ 85006

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SUITE 325
39 S. LASALLE STREET
CHICAGO IL 60603

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OFFICE OF PETITIONS

In re Application of	:	
YAO, Robert Y.	:	
Application No. 11/732,068	:	DECISION ON PETITION
Filed: April 02, 2007	:	TO WITHDRAW
Attorney Docket No. **07,100**	:	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 04, 2008.

The request is **MOOT** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to LESAVICH HIGH-TECH LAW GROUP, P.C. has been revoked by the applicant of the patent application on April 01, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **SCHMEISER OLSEN & WATTS**
18 E UNIVERSITY DRIVE
SUITE # 101
MESA, AZ 85201

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26 WEST 61ST STREET
NEW YORK, NY 10023

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OFFICE OF PETITIONS

In re Application of	:	
Sergei Milhailovich Zenovich et al	:	
Application No. 11/732,080	:	DECISION ON PETITION
Filed: April 2, 2007	:	
Attorney Docket No. U 016536-3	:	

This is a decision on the petition filed March 1, 2010, requesting under 37 CFR 1.182, that the previous acceptance of the terminal disclaimer filed February 12, 2010 be withdrawn.

The petition is **GRANTED**.

Petitioners assert that, there was a misinterpretation of applicant's instructions in a facsimile dated January 12, 2010, and that the terminal disclaimer was filed in error. Furthermore petitioner indicates that the instant application has an earlier effective filing date than the '156 application and therefore the terminal disclaimer is unnecessary. As there are remaining claims for which the aforementioned terminal disclaimer was originally proffered, the undersigned has consulted with the examiner in charge of this application, Humera N. Sheikh, and has found that the examiner concurs with the withdrawal a further review indicates petitioner has abandoned the '156 case. Accordingly, the terminal disclaimers dated February 12, 2010 withdrawn.

The $400.00 petition fee required under 37 CFR 1.17(f), has been charged to petitioner's deposit account 12-0425.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-0602.

/ Thurman K Page

Thurman K. Page
Petitions Examiner
Office of Petitions

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DERGOSITS & NOAH LLP
THREE EMBARCADERO CENTER
SUITE 410
SAN FRANCISCO CA 94111

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OFFICE OF PETITIONS

In re Application of	:	
Yeider, John O. Jr.	:	
Application No. 11/732,084	:	ON PETITION
Filed: April 1, 2007	:	
Attorney Docket No. 975.02	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 24, 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 an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3636 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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OFFICE OF PETITIONS

In re Application of	:	
Eugene LEVIN	:	
Application No. 11/732,099	:	DECISION ON PETITION
Filed: April 2, 2007	:	TO WITHDRAW
Attorney Docket No. 7492-001040	:	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 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 Paul A. Keller on behalf of the attorneys of record associated with Customer No. 27572.

The attorneys of record associated with Customer No. 27572 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: EUGENE LEVIN
30673 WESTFIELD ROAD
LIVONIA, MI 48150

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/30/09

TO SPE OF : ART UNIT 3673

SUBJECT : Request for Certificate of Correction for Appl. No.: 11732110 Patent No.: 7496980 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

3673

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600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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OFFICE OF PETITIONS

In re Application of	:	
Chiang et al.	:	
Application No. 11/732,139	:	DECISION ON PETITION
Filed: April 2, 2007	:	
Attorney Docket No. M0925.70087US03	:	

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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration, basic filing fee and late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1115.00 extension of time fee submitted with the petition on December 3, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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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AT & T LEGAL DEPARTMENT - Wilde
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINISTER NJ 07921

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JAN 25 2010

In re Application of	:	
Paul Henry et al.	:	
Application No. 11/732,166	:	DECISION ON PETITION
Filed: April 03, 2007	:	
Attorney Docket No. 2006-A1308	:	

This is a decision on the petition, under 37 CFR 1.137(b) filed on October 1, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Non-Final Office Action mailed February 11, 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 above-identified application became abandoned on August 18, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3) because the filing of the petition lacks the Attorney of Record's signature.

Further correspondence with respect to this matter should be addressed as follows:

Application No. 11/732,166

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-3217.

David Bucci
Petitions Examiner
Office of Petitions

Cc: Peter V.D.Wilde
301 East Landing
Williamsburg, VA 23185

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MAR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Paul HENRY et al.	:	
Application No. 11/732,166	:	ON PETITION
Filed: April 3, 2007	:	
Attorney Docket No. 2006-A1308	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 18, 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 above-identified application became abandoned on May 19, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1620; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of February 18, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2836 for appropriate action on the amendment filed on October 1, 2009.

David A. Bucci
Petitions Examiner
Office of Petitions

cc: **Peter V.D. Wilde**
301 East Landing
Williamsburg, VA 23185

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No. None

BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205

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NOV 14 2007
OFFICE OF PETITIONS

In re Application of Rudiger Musch et al. Application No. 11/732,176 Filed: April 3, 2007 Attorney Docket No. PO8919/BMS061049 Title: PROCESS FOR PRODUCING REINFORCING FIBERS FOR USE IN CONCRETE UTILIZING POLYCHLOROPRENE DISPERSIONS	DECISION ON PETITION

This is a decision on the "Petition Under 37 CFR 1.181(a)(3)," which is properly treated as a petition pursuant to 37 C.F.R. § 1.182, filed August 13, 2007, to include Figure 5 with the original application papers filed April 3, 2007. Petitioner requests, in effect, that the portion of the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (notice)," which refers to Figure 5, mailed August 2, 2007, be withdrawn.

The application was filed on April 3, 2007. On August 2, 2007, the Office that is presently known as the Office of Patent Application Processing (OPAP) mailed a notice stating, *inter alia*, that the application had been accorded a filing date, but that Figure 5, as described in the specification, appeared to have been omitted.

In response, the present petition was filed on August 13, 2007. Petitioner explains that Figure 5 was not missing on April 3, 2007. Instead, Petitioner states that Figure 5 was present, but

the drawings that were present on filing were mislabeled: Figure 3 was not labeled, Figure 4 was mislabeled as "Fig. 3," and Figure 5 was mislabeled as "Fig. 4."

The electronic file has been reviewed, and it is obvious from the file that Figure 5 was not actually missing on April 3, 2007, and that Figure 5 was simply mislabeled. Therefore, the drawing was not missing; rather, the drawing was simply not labeled as a result of applicant's filing error. However, the notice mailed August 2, 2007 was correct in stating that Figure 5 appeared to have been omitted. Therefore, the notice was properly mailed and this portion of the same will not be withdrawn.

The petition under 37 C.F.R. §1.182 is **GRANTED-IN-PART.**

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

OPAP will be made aware of this decision, so that the present application can receive further processing with the presently accorded filing date of April 3, 2007, using the 4 sheets of drawings filed on that date.

The drawings that were submitted with the present petition will not be entered at the present time. If Petitioner desires for the Examiner to consider the substitute drawings that were submitted concurrently with this petition, then Petitioner may submit those pages as an amendment[1]. Any such amendment will, of course, be reviewed by the examiner for new matter[2].

Receipt of a declaration and the fee associated with the late submission of the same is acknowledged. It is noted in passing that Petitioner may wish to consider submitting an alternate declaration that is free of alterations, as **the present declaration cannot be accepted by the Office**, due to the non-dated and non-initialed change by joint inventor Mundt[3].

---

1 Petitioner may wish to consider submitting a preliminary amendment, requesting the entry of these replacement drawings. It is noted that the third page of this petition contains a request for the entry of these replacement drawings, however 37 C.F.R. § 1.4(c) precludes the inclusion of an amendment within a petition, and as such, this fails to constitute an acceptable amendment.

2 See MPEP 608.02(h) and 608.04.

3 See 37 C.F.R. §1.52(c)(1) and MPEP §605.04(a).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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OFFICE OF PETITIONS

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of Hoferman et al. Application No. 11/732,181 Filed: April 3, 2007 Attorney Docket No. PA4189US	: : : : :	DECISION GRANTING PETITION

This is a decision on the petition, filed May 8, 2007 requesting that the above-identified application be accorded a filing date of April 2, 2007, rather than the presently accorded date of April 3, 2007. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on April 2, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV826335198US (the same Express Mail number found on the original application papers located in the official file) showing a date stamp of April 2, 2007.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the date stamp on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on April 2, 2007.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **April 2, 2007** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3215. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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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

BRIGHT, Nicolas et al.
Application No. 11/732,198
Filed: April 02, 2007
Attorney Docket No. **PA4058US**

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 30, 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 Vernon R. Gard on behalf of all attorneys of record who are associated with customer No. 22830. 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 Nicolas Bright 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: **NICOLAS BRIGHT**
LAM RESEARCH CORPORATION
4650 CUSHING PARKWAY
FREMONT, CA 94538

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/732,201	04/02/2007	Garo J. Derderian	M122-3505

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/732,226	04/02/2007	Gerardo Castillo	PROTEO.P03CID6	2008

74651 7590 05/04/2010
PROTEOTECH, INC.
12040 115TH AVE NE
KIRKLAND, WA 98034-6931

EXAMINER
BRADLEY, CHRISTINA

ART UNIT	PAPER NUMBER
1654	

MAIL DATE	DELIVERY MODE
05/04/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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In re Application of: Castillo et al	:	
Serial Number: 11/732,226	:	
Filed: April 2, 2007	:	
Attorney Docket: PROTEO.P03CID6	:	DECISION ON PETITION
For: Small Peptides for the treatment of	:	
Alzheimer's Disease and Other Beta-	:	
Amyloid Fibrillogenesis Disorders		

This is in response to applicant's petition to accept color drawings/photographs filed on June 8, 2009.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

/Cecilia J.Tsang/
Supervisory Patent Examiner, Art nit 1654

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090916

DATE : November 3, 2009

TO SPE OF : ART UNIT 1616

SUBJECT : Request for Certificate of Correction on Patent No.: 7,427,633

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 April 1, 2009 petition for a certificate of correction included a request to correct the inventorship pursuant to 37 CFR 1.324(b)(1)-(4), which was inadvertantly overlooked when the other requested correctinos were approved. The request to correct the inventorship complies with the requirements of 37 CFR 1.324(b)(1)-(4) and is approved.

/Johann Richter/
SPE 1616

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DOROTHY S. MORSE
515 PARK DRIVE, NW
BRADENTON, FL 34209

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JUN 1 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Samuel B. Tafoya	:	
Application No. 11/732,250	:	DECISION ON PETITION
Filed: April 3, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0704-TAF6	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 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 birth certificate.

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 back to the Office of Initial Patent Examination for processing. The application will be accorded the "special" status when pre-examination processing is complete.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions

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ATLANTA, GA 30309-3521

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SEP 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas A. VALERIO	:	
Application No. 11/732,285	:	DECISION GRANTING PETITION
Filed: April 2, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **14168.105004**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 17, 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 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3653 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **6/10/09**

TO SPE OF : ART UNIT **2838 (2800)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/732,287** Patent No.: **7,535,202**

Attn: Ramy Ramadan

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

✓ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: _____

/Patrick J. Assouad/ — **SPE**

2862 — **Art Unit**

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

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AUG 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Louisa Perryman, et al.	:	
Application No. 11/732,295	:	DECISION GRANTING PETITION
Filed: April 3, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. DP-314920	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 11, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 3, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3747 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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[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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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

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JUN 20 2007

OFFICE OF PETITIONS

n re Application of
Lenny Lipton
Application No. 11/732,302
Filed: April 2, 2007
Attorney Docket No. REAL0134

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 2, 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 passport proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2621 for action on the merits commensurate with this decision.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

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JUN 2 0 2007

OFFICE OF PETITIONS

In re Application of
Lenny Lipton
Application No. 11/732,303
Filed: April 2, 2007
Attorney Docket No. REAL0137

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 2, 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 passport proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2621 0for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

WILLIAM DAVID KIESEL
P.O. BOX 15928
BATON ROUGE, LA 70895

In re Application of	:	
Darren M. VALLAIRE	:	
Application No. 11/732,312	:	DECISION ON PETITION
Filed: April 03, 2007	:	
Attorney Docket No. **11281.001**	:	

This is a decision on the petition under 37 CFR 1.137(a), filed April 23, 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 under 37 CFR 1.181 is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 09, 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 December 10, 2008.

A view of the Office records indicates that the Office action mailed September 09, 2008 was sent to a customer number that is not associated with this application. The address has been changed to the correct address of record and the petition fee of $270.00 will be refunded to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application file is being referred to Technology Center AU 2612 for appropriate action on the concurrently filed amendment.

Thurman Page
Petitions Examiner
Office of Petitions

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Dimitar T. Trifonov	: DECISION ON REQUEST FOR
Patent Number	: 7592867	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,357	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **101** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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United States Patent and Trademark Office
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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Tetsuji Takeishi	: DECISION ON REQUEST FOR
Patent Number	: 7654631	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,378	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **472** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF THOMAS E. SCHATZEL, P.C.
FAIRMONT PLAZA
SUITE 1300
50 W. SAN FERNANDO STREET
SAN JOSE, CA 95113

MAILED

NOV 06 2009

OFFICE OF PETITIONS

In re Patent No. 7,463,188	:	
Issue Date: December 9, 2008	:	
Application No. 11/732,386	:	NOTICE
Filed: April 3, 2007	:	
Attorney Docket No. SS-746-15	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent 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) 272-6059.

The patent file will be forwarded to the Files Repository.

A. Kelley

Alicia Kelley
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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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Hui Chin	: DECISION ON REQUEST FOR
Patent Number	: 7666931	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,396	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **303** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/732,404	04/03/2007	Motoyuki Takai	S1459.70321US00	2545

7590 08/28/2009
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER
DONELS, JEFFREY

ART UNIT	PAPER NUMBER
2832	

MAIL DATE	DELIVERY MODE
08/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/31/2009 NFARMER 0032168634

CHECK Refund Total: $1150.00

Adjustment date: 08/31/2009 NFARMER
04/05/2007 HLE333 00000027 11732404
02 FC:1111 -500.00 OP
04 FC:1201 -600.00 OP
05 FC:1202 -50.00 OP

FORM PET651G (Rev. 08/07)

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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Patrice Bujard	: DECISION ON REQUEST FOR
Patent Number	: 7658488	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,406	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **20** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Funtmann
Application No. 11/732,432
Filed: April 3, 2007
Attorney Docket No. 3216/359-3

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 2, 2009, to revive the above-identified application. In addition, this decision addresses the petition to withdraw the holding of abandonment, filed March 19, 2009, which will be treated under 37 CFR 1.181.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.181 is **DISMISSED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 12, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 12, 2008. Accordingly, the date of abandonment of this application is February 13, 2009. A Notice of Abandonment was mailed on March 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 payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. All requirements being met, the petition under 37 CFR 1.137(b) is granted.

Petitioner requests the withdrawal of the holding of abandonment. Petitioner "...would like to point out to the Office that the Notice of Abandonment, while acknowledging receipt of the issue fee payment on March 2, 2009, does not mention the Petition to Revive filed simultaneously with the issue fee payment." Petitioner argues that the Notice of Abandonment was issued in error. Petitioner is informed that the application became abandoned because the issue and publication fees were not paid in a timely manner. This is explained in the March 5, 2009 Notice of Abandonment. Filing a petition to revive does not immediately have an impact on abandonment. The abandoned application remains abandoned until the petition to revive is granted.

The petition to withdraw the holding of abandonment is dismissed, as the application was properly held abandoned for failure to timely submit the issue and publication fees. However, as detailed above, the application has been revived pursuant to 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to the Office of Data Management for processing into a patent.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

Mail Date: 04/20/2010

Applicant	: Jin Wook Kim	: DECISION ON REQUEST FOR
Patent Number	: 7614225	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,438	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **253** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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MAR 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Gennadi V. Glinsky	:	
Application No. 11/732,442	:	DECISION ON PETITION
Filed: April 2, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings; sequence listing preliminary amendment and required fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the notice mailed October 18, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Toru Hayashi	: DECISION ON REQUEST FOR
Patent Number	: 7656112	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,456	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **235** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

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OCT 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Kazuhiko Takaishi	:	
Application No.: 11/732,459	:	ON PETITION
Filed: April 3, 2007	:	
Attorney Docket No.: None	:	

This is a decision on the petition, filed October 7, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 9, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2627 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

BACHMAN & LAPOINTE, PC
900 CHAPEL STREET, SUITE 1201
NEW HAVEN, CT 06510

In re Application of	:	
Tadashi **TAMURA**	:	
Application No. 11/732,462	:	DECISION ON PETITION TO
Filed: April 2, 2007	:	WITHDRAW FROM RECORD
Attorney Docket No. **A07.003**	:	UNDER 37 CFR 1.36(b)

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 23, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **WILSON SONSINI GOODRICH & ROSATI** has been revoked by the assignee of the patent application on October 29, 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 the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **BUCKLEY MASCHOFF & TALWALKAR, LLC**
50 LOCUST AVENUE
NEW CANAAN, CT 06840

UNITED STATES PATENT and TRADEMARK OFFICE

21 MAY 2008

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Hollis Mccray-Clark, Esq. & Charles Clark, Esq.
468 North Camden Drive
Suite 200
Beverly Hills CA 90210

In re Application of	:	DECISION ON
McCray-Clark et al	:	
Application No.: 11/732,471	:	
Filing Date: 02 April 2007	:	PETITION UNDER
Attorney's Docket No.: N/A	:	
For: ART BY HOLLIS INTERNATIONAL	:	
WEARBAGS	:	37 CFR 1.10(c)

This decision is in response to applicants' "EX PARTE PETITION FOR CORRECTION OF PATENT APPLICATION FILING DATE," which is being treated as a petition under 37 CFR 1.10(c) filed on 12 April 2008, requesting that the filing date of 02 April 2007 be changed to 29 March 2007 for the submission for the above identified application. No fee is required for this petition.

BACKGROUND

On 29 March 2007, petitioner allegedly filed a patent application under 35 USC 111(a) with the USPTO.

On 02 April 2008, petitioner filed the present petition stating that the application was in fact deposited with the USPS on 29 March 2007 as evidenced by the USPS shipment Info for EQ920809940US and correspondence by the USPS filed with the petition. The Track & Confirm documentation for "Express Mail" Label no. EQ920809940US indicates that a package was accepted at the Tarzana, California USPS office on 3/29/07 at 1:18 pm.

DISCUSSION

37 CFR 1.10(c) provides:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Petitioner has satisfied items (1) and (3) under 37 CFR 1.10(c) but not item (2).

With respect to item (2), a review of the application papers appear to reveal that the "Express Mail" Label No. EQ920809940US was not placed on the "Transmittal Letter" or any other paper prior to the original mailing by "Express Mail."

With respect to item (3), although a copy of the customer receipt of "Express Mail" Label No. EQ920809940US has been filed with the present petition, petitioner has provided a Track & Confirm documentationby USPS showing that the package with said "Express Mail" Label was accepted by the USPS on 3/29/07 .

Accordingly, the items under 37 CFR 1.10(c) have not been satisfied. Therefore, it would not be appropriate to grant the petition under 37 CFR 1.10(c) at this time, and the filing date continues to be 4/02/07.

CONCLUSION

For reasons above, the petition under 37 CFR 1.10(c) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10(c)."

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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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.
11/732,476	04/03/2007	Kazue Asano	4041J-001277	2293

7590 09/03/2009
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
LEO, LEONARD R

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
09/03/2009	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:
09/08/2009 NFARMER 0000168722

CHECK Refund Total: $500.00

Adjustment date: 09/08/2009 NFARMER
04/05/2007 SSITHIB1 00000072 11732476
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY MI 48007

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Myung-Ryun JANG et al.	:	
Application No. 11/732,488	:	DECISION ON PETITION
Filed: April 03, 2007	:	
Attorney Docket No. DP-318754	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 08, 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 Restriction Requirement, mailed June 18, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election , (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the restriction requirement of June 18, 2009 is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $2,350.00 extension of time fee submitted with the petition on January 08, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3616 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JAMES M. WU
JW LAW GROUP
84 W. SANTA CLARA STREET
SUITE 820
SAN JOSE, CA 95113

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OCT 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Sheng Tai TSAO	:	
Application No. 11/732,496	:	DECISION ON PETITION
Filed: April 2, 2007	:	TO WITHDRAW
Attorney Docket No. 000030-000400US	:	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 15, 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, Financial reasons, 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: SHENG (TED) TAI TSAO
2979 HEIDI DRIVE
SAN JOSE, CA 95132

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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JAMES M. WU
JW LAW GROUP
84 W. SANTA CLARA STREET
SUITE 820
SAN JOSE CA 95113

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Sheng Tai TSAO	:	
Application No. 11/732,496	:	DECISION ON PETITION
Filed: April 2, 2007	:	TO WITHDRAW
Attorney Docket No. 000030-000400US	:	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 20, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed by Customer No. 79662, as indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/
Diane c. Goodwyn
Petitions Examiner
Office of Petitions

cc: SHENG (TED) TAI TSAO
2979 HEIDI DRIVE
SAN JOSE CA 95132

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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FEB 14 2008

OFFICE OF PETITIONS

In re Application of	:	
William K. Perrizo	:	
Application No. 11/732,501	:	DECISION ON PETITION
Filed: April 2, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1697.03US05	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 10, 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. 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 2165 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

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OFFICE OF PETITIONS

In re Application of	:	
Wendell Lee Wright	:	
Application No. 11/732,503	:	DECISION ON
Filed: April 3, 2007	:	PETITION TO WITHDRAW
Attorney Docket No. 900.0210002	:	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 7, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Edward J. Brooks III on behalf of attorney/agents associated with customer number 38356. All attorneys/agents associated with customer number 38356 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: Kurz-Kasch, Inc.
511 Byers Road
Miamisburg, OH 45342

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
11/732,503	04/03/2007	Wendell Lee Wright	900.0210002

CONFIRMATION NO. 9946

POWER OF ATTORNEY NOTICE

38356
BROOKS, CAMERON & HUEBSCH , PLLC
1221 NICOLLET AVENUE , SUITE 500
MINNEAPOLIS, MN 55403

OC000000035902221

Date Mailed: 05/11/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/07/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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IPSOLON, LLP (NIKE)
111 SW COLUMBIA ST.
SUITE 710
PORTLAND OR 97201

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FEB 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Reichow et al.	:	
Application No. 11/732,518	:	DECISION ON PETITION
Filed: April 2, 2007	:	
Attorney Docket No. 1091-022/JRD	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed 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 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration and $130.00 surcharge fee, the Statutory basic filing fee of $310.00, the Search fee of $510.00, and the Examination fee of $210.00, (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petitioner Examiner
Office of Petitions

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STOEL RIVES LLP
900 SW FIFTH AVENUE, SUITE 2600
PORTLAND, OR 97204-1268

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OFFICE OF PETITIONS

In re Application of	:	
Carston R. **CALKIN**	:	
Application No. 11/732,532	:	DECISION ON PETITION
Filed: April 3, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **36524/16:1**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 19, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the statement of inventor Carston R. Calkin, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

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 the Technology Center Art Unit 3782 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/26/2010

Applicant	: Mark A. Ferreira	: DECISION ON REQUEST FOR
Patent Number	: 7621166	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/732,536	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **418** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

In re Application of	:	
Elmer Scott Welch	:	
Application No. 11/732,552	:	DECISION ON PETITION
Filed: April 4, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. VQC01797P00131US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3679 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK NY 10016

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OFFICE OF PETITIONS

In re Application of	:	
Eugene J. Bleecker	:	
Application No. 11/732,569	:	DECISION ON PETITION
Filed: April 4, 2007	:	
Attorney Docket No. SULLIVAN-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before March 4, 2009, as required by the Notice of Allowability mailed December 4, 2008. Accordingly, the date of abandonment of this application is March 5, 2009. A Notice of Abandonment was mailed March 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Petitioner has submitted an unnecessary terminal disclaimer fee of $70.00. Accordingly, this fee will be refunded via treasury check in due course.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 24 2008

OFFICE OF PETITIONS

MAX E. MONTGOMERY
322 ALTA AVE.
SANTA CRUZ CA 95060

In re Application of Max Edward Montgomery Application No. 11/732,572 Filed: April 4, 2007 Attorney Docket Number: FP-UP-NL1 Title: NIGHTLIGHT WITH ENHANCED EDGE ILLUMINATION AND INCREASED DURABILITY	DECISION ON PETITION UNDER 37 C.F.R. §1.137(A)

This is a decision on the petition filed March 7, 2008, pursuant to 37 C.F.R. § 1.137(a)[1], to revive the above-identified application.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 8, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 9, 2007. A notice of abandonment was mailed on January 17, 2008.

---

1 A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

RELEVANT PORTIONS OF THE MPEP AND C.F.R.

M.P.E.P. § 711.03(c)(I)(A) sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement** (emphasis added). For example, if a three month period for reply was set in the nonreceived Office action, a copy of the 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.
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply

is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

With the present petition, Petitioner has asserted that the Notice was not received. Petitioner has submitted the petition fee, thus meeting the second requirement of 37 C.F.R. § 1.137(a). As such, Petitioner has met the second requirement of Rule 1.137(a). The fourth requirement is not applicable.

Regarding the first requirement, the requirement has not been satisfied because Petitioner did not submit the required reply to the notice. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed[2]. In order for the application to be revived, petitioner must submit a reply that satisfies 37 C.F.R. § 1.137(a)(1) (i.e., the surcharge associated with the late submission of an examination fee, the examination fee, and the search fee, in full).

It is noted that Petitioner submitted the fees that were listed on the notice, however on September 30, 2007, the Fiscal Year 2008 fee schedule went into effect. As such, the search fee was raised to $255 and the examination fee was raised to $105. As

2 See M.P.E.P. § 711.03(c).

such, **Petitioner's submission is deficient in the amount of $10**[3], and it does not appear that Petitioner has authorized the Office to charge any deficiency to a Deposit Account.

Regarding the third requirement, Petitioner has asserted that the notice was not received. However, **the showing in this petition is not sufficient to establish that the entire period of delay was unavoidable, because it is incomplete**. Petitioner has failed to:

1. include a statement that a thorough search of the file jacket and docket records was conducted, and
2. include a copy of the docket record where the non-received Office communication would have been entered and docketed.

Since Petitioner is a pro se applicant, it is possible that he does not have a file jacket, and does not maintain a docket record. If such is the case, he must state this. Petitioner must state that the Office communication was not received and that he searched the place where he normally would keep such communications and could not find it. Petitioner must explain his system for keeping track of patent matters - where he keeps the correspondence[4]; where he writes down due dates[5]; how he knows replies are due, etc. In essence, Petitioner must explain how he reminds himself of response due dates and show that the due date for the notice was not entered into that system. The Office would like to see documentary evidence and records as may exist which would substantiate that Petitioner exercised due diligence with respect to his most important business.

CONCLUSION

Pursuant to the above discussion, the petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

---

3 The search fee was paid in full, and $95 was applied towards the examination fee.

4 Does Petitioner have a file/some means of organization where he keeps correspondence pertaining to this application?

5 This need not be a log. This may be in the form of a calendar or date book.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[6], hand-delivery[7], or facsimile[8].

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[9].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

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OFFICE OF PETITIONS

In re Application of	:	
Sheppard et al.	:	
Application No. 11/732,578	:	ON PETITION
Filed: April 4, 2007	:	
Attorney Docket No. 10537	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed Oath/Declaration, (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 Patent Application Processing for further processing. Thereafter, the application will be referred to Technology Center 3700 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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FANELLI STRAIN & HAAG PLLC
1455 PENNSYLVANIA AVE., N.W., SUITE 400
WASHINGTON, DC 20004

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MAY 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Martin Spranger et al	:	
Application No. 11/732,615	:	DECISION ON PETITION
Filed: April 3, 2007	:	TO WITHDRAW
Attorney Docket No. 067802-4000-005	:	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 23, 2010.

The request is **APPROVED**.

A review of the file record indicates that Peng Chen: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Peng Chen has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Peng Chen
Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130-2040

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/732,615	04/03/2007	Martin Spranger	067802-4000-005

CONFIRMATION NO. 3735

POWER OF ATTORNEY NOTICE

91436
Fanelli Strain & Haag PLLC
1455 Pennsylvania Ave., N.W., suite 400
Washington, DC 20004

OC000000041600238

Date Mailed: 05/17/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/732,615	04/03/2007	Martin Spranger	067802-4000-005

CONFIRMATION NO. 3735

POA ACCEPTANCE LETTER

91436
Fanelli Strain & Haag PLLC
1455 Pennsylvania Ave., N.W., suite 400
Washington, DC 20004

OC000000041600240

Date Mailed: 05/17/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450

YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

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SEP 08 2008

OFFICE OF PETITIONS

In re Application of
Joseph R. **Fournier**
Application No. 11/732,640
Filed: April 4, 2007
Attorney Docket No. JNW-100-B

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2007, to revive the above-identified application.

The petition is GRANTED.

The Application became abandoned because Applicant failed to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing of the Notice of Allowance. Accordingly, the application became abandoned on October 21, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of $720.00 and the publication fee of $300.00, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Phyllis Spivack or in her absence, the undersigned at (571) 272-7099.

This application is being referred to the Office of Data Management for further processing.

David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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AUG 3 1 2007

OFFICE OF PETITIONS

PATENT DEPARTMENT
MACROVISION CORPORATION
2830 DE LA CRUZ BLVD.
SANTA CLARA CA 95050

In re Application of
Carmen Laura Basile and Richard A.A. Heylen
Application No. 11/732,654
Filed: April 4, 2007
Attorney Docket No. 0263
Title: Copy Protection of Optical Discs

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed July 30, 2007.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Heylen has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that they refuse to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the *Official Gazette*.

The Office is in receipt of $130.00 towards the petition fee. However, the current petition fee is $200.00. Pursuant to petitioner's request deposit account no. 13-0762 will be charged the $70.00 difference.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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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Richard AA Heylen
21 Hanwood Close
Woodley
Reading, Berkshire
RG5 3AB
United Kingdom

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AUG 31 2007

OFFICE OF PETITIONS

In re Application of
Carmen Laura Basile and Richard A.A. Heylen :
Application No. 11/732,654
Filed: April 4, 2007 : LETTER
Attorney Docket No. 0263
Title: Copy Protection of Optical Discs

Dear Mr. Heylen :

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, applicant (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

PATENT DEPARTMENT
MACROVISION CORPORATION
2830 DE LA CRUZ BLVD.
SANTA CLARA CA 95050
ATTN: George B. Almeida

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PATENT COUNSEL
SPAWARSYCEN, CODE 360012
53510 SILVERGATE AVE. ROOM 103
SAN DIEGO CA 92152-5765

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MAY 22 2008

OFFICE OF PETITIONS

In re Application of	:	
In et al.	:	
Application No. 11/732,678	:	DECISION ON PETITION
Filed: April 04, 2007	:	
Attorney Docket No. 96761	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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 Notice to File Missing Parts of Non-provisional Application (Notice), mailed May 7, 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 8, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of acceptable formal drawings, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272 - 4914.

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.

David Bucet
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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RISSO & ASSOCIATES
7350 WEST 85TH STREET
LOS ANGELES CA 90045

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In re Application of	:	
Yigal MESIKA	:	
Application No. 11/732,679	:	DECISION ON PETITION
Filed: April 04, 2007	:	
Attorney Docket No. **MESIKA001**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 06, 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 07, 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. Accordingly, the reply to the non-final Office action of March 06, 2009 is accepted as having been unintentionally delayed.

The power of attorney filed November 16, 2009 is accepted and has been made of record.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571)272-2783.

This application is being referred to Technology Center AU 3728 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

MICHAUD-DUFFY GROUP LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN CT 06457

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Rosemarie Maljanian	:	DECISION ON PETITION
Application No. 11/732,760	:	
Filed: April 3, 2007	:	
Atty Docket No. 1102-0001-1	:	

This is in response to the PETITION UNDER 37 C.F.R. 1.17(f) filed May 10, 2007, which is properly considered as a petition under § 1.53(e)(2). Petitioner requests that the Office accord the above-identified application a filing date of April 3, 2007, with figure 5 considered part of the original application disclosure.

Application papers in the above-identified application were deposited on April 3, 2007. However, on May 1, 2007, the Initial Patent Examination Division mailed applicant a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Applicant was thereby notified that the application papers had been accorded a filing date; however, figure 5 appeared to have been omitted from the application. (In addition, the oath or declaration was missing).

In response, applicant filed the instant petition (and petition fee). Applicant contends that Figure 5 was in fact deposited in the Office with the nonprovisional application papers. In support thereof, applicant submits a copy of the return postcard from the USPTO in which the postcard indicates that six (6) sheets of drawing figures were enclosed with the application. The petition also includes a copy of the sheet of drawings containing figure 5. The drawing sheet appears to be a copy of the drawing figure as originally filed. Petitioner must notify the Office and provide a copy of the original, if the conclusion

that figure 5 is a copy of the figure as originally filed is incorrect[1].

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on April 3, 2007, and the items filed therewith were assigned Application No. 11/732,760; 2) it specifically identifies the items being filed, including "Drawings - # of sheets 6" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted including 6 sheets of drawings were filed on April 3, 2007.

The application papers already considered received in the Office on April 3, 2007, were reviewed along with the one sheet of drawings containing figure 5 submitted on petition. These papers together constitute the items described on the postcard receipt as "Drawings - # of sheets 6." It is concluded that petitioner has shown that Figure 5 was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 50-3342, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of April 3, 2007 using the application papers received in the Office and presently accorded that date; and figure 5 re-supplied on petition filed May 10, 2007;

- for indication in Office records, as appropriate, that 6 sheets of drawings (including figure 5) were present in the application on filing; and

---

[1] By telephone call to attorney of record Mulchler on September 19, 2007, the undersigned confirmed that the figure 5 submitted on petition is a copy of the figure as originally filed with the application. This is consistent with the record, which supports a conclusion that applicant submitted formal drawings on filing and figure 5 submitted on petition is a formal drawing.

- for processing of the response to Notice to File Missing Parts, a declaration filed May 10, 2007.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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STEPHEN E. FELDMAN
7TH FLOOR
12 E. 41ST STREET
NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Application of	:	
Sampaio, Andre	:	
Application No. 11/732,777	:	ON PETITION
Filed: April 4, 2004	:	
Attorney Docket No. None	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2008, to revive the above-identified application.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Michael J. Brown appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If, Mr. Brown desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. The Revocation and New Power of Attorney, filed June 30, 2008, cannot be accepted at this time since the statement under 3.73(b) is inadequate. The statement under 3.73(b) is not properly signed, as it does not include the title of the person signing on behalf of the assignee[1]. A courtesy copy of this decision is being mailed to Mr. Brown, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Non-final Office Action mailed, November 14, 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 February 15, 2008. A Notice of Abandonment was mailed May 27, 2008.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

---

[1] The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.). (1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee. (2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required.

Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $770, and (3) a adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 3751 for further examination on the merits.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MICHAEL J. BROWN
CURTIS, MALLET-PREVOST, COLT & MOSLE LLP
101 PARK AVENUE, 34TH FLOOR
NEW YORK, NY 10178-0061

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OFFICE OF PETITIONS

Joseph F. O'Connell
15 Sylvia Street
Lexington, MA 02421

In re Application of	:	
Joseph Francis O'Connell	:	
Application No. 11/732,812	:	ON PETITION
Filed: April 5, 2007	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.137(a), filed August 27, 2009, to revive the above-identified application.

The petition is **dismissed.**

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $270. If this application is no longer entitled to small entity status, the petition fee required by law is $540.

Since the present petition was not accompanied by the required $270 petition fee, no consideration on the merits can be given to the present petition until the required fee is received.

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 Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Joseph F. O'Connell
15 Sylvia Street
Lexington, MA 02421

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OFFICE OF PETITIONS

In re Application of
Joseph Francis O'Connell
Application No. 11/732,812
Filed: April 5, 2007
Attorney Docket No. N/A

ON PETITION

This is a decision on the communication filed November 27, 2009, which is being treated as a renewed petition under 37 CFR 1.137(a), to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper reply within one (1) month of the Notice of Non-Compliant Amendment (37 CFR 1.121) (Notice) mailed July 15, 2008. Since no extensions of time under the provisions of 37 CFR 1.136(a) was obtained, the application became abandoned on August 15, 2008. A Notice of Abandonment was mailed on February 17, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 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(d). The instant petition lack items (1) and (3).

With respect to item (1), the record fails to show that petitioner submitted a proper reply to the Notice mailed July 15, 2008 and December 19, 2008. Therefore, revival of the above application cannot occur until a response to the Notice has been received[1].

With respect to item (3), Petitioner supplied the Office with documentation signed on various dates, such as, March 2007, December 2007, March 2009, April 2009, May 2009 and June 2009. However, petitioner has failed to provide a statement from a licensed

[1]Petitioner should note that filing the required items should not be construed as meaning that the petition will be granted under the provisions of 37 CFR 1.137(a).

health care provider that demonstrates that petitioner's incapacitation was such that it "unavoidably" prevented him from taking any earlier action with respect to this application on or after August 15, 2008 until the filing of the present petition on August 27, 2009.

Additionally, petitioner must state how he manages to conduct his daily personal and business affairs, including scheduling and settlement of short and long term debts and business obligations, bills, rent or mortgage payments, income taxes etc., during the time in question. Petitioner must demonstrate that his health problems were the cause in not timely responding to the Notice of July 15, 2008 and December 19, 2008.

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 Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." 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).

Petitioner should also note that he has an alternate remedy under the unintentional provisions of 37 CFR 1.137(b) which does not require a showing of the delay in timely responding to the Notice mailed July 15, 2008 and December 19, 2008. However, effective October 2, 2008, an unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee. A courtesy copy of a Petition under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

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).

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." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

Enclosure: Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) – (Form PTO/SB/64)

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Joseph F. O'Connell
15 Sylvia Street
Lexington, MA 02421

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OFFICE OF PETITIONS

In re Application of :
Joseph Francis O'Connell :
Application No. 11/732,812 : ON PETITION
Filed: April 5, 2007 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b) filed February 16, 2010, to revive the above-identified application.

In response to the decision mailed December 17, 2009, petitioner submits the present renewed petition and amendment.

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[1]; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The instant petition lacks item(s) (3).

With respect to item (3), the petition form filed February 16, 2010 is in incomplete, in that, page 2 which contains the signature and the unintentional statement is missing. 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. Therefore, the petition should be resubmitted to include page two of the form, which contains the signature of petitioner and the statement required by 37 CFR 1.137(b)(3).

[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).

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) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Joseph F. O'Connell
15 Sylvia Street
Lexington, MA 02421

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of
Joseph Francis O'Connell
Application No. 11/732,812
Filed: April 5, 2007
Attorney Docket No. N/A

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) filed May 7, 2010 and supplemented on May 24, 2010, to revive the above-identified application.

In response to the decision mailed on April 1, 2010, petitioner submits the present renewed petition. Since the petition complies with the requirements of 37 CFR 1.137(b), the petition is **granted**.

This application file is being referred to Technology Center Art Unit 3633 for review of the response filed on November 10, 2009 and February 16, 2010.

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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ILYA ZBOROVSKY
6 SCHOOLHOUSE WAY
DIX HILLS, NY 11746

COPY MAILED

FEB 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark Rogow, et al.	:	
Application No. 11/732,821	:	DECISION ON PETITION
Filed: April 5, 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 April 5, 2007, November 16, 2007 and January 14, 2008, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes the required doctor's statement from applicant John Mattera's physician. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise 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 3651 for action on the merits commensurate with this decision.

David Bucci
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

Ilya Zborovsky
6 Schoolhouse Way
Dix Hills NY 11746

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark Rogow et al.	:	
Application No. 11/732,822	:	DECISION ON PETITION
Filed: April 5, 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 April 5, 2007, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required.

The instant petition does not include does include any evidence such as a doctor's certificate or other medical certificate, showing the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3651 for action in its regular turn.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 23 2010

OFFICE OF PETITIONS

KOKKA & BACKUS, PC
200 Page Mill Road
Suite 103
Palo Alto, CA 94306

In re Application of	:	
Charles F. Kaminski, Jr.	:	
Application No. 11/732,833	:	DECISION ON PETITION
Filed: April 5, 2007	:	TO WITHDRAW
Attorney Docket No. 050414-1013	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 21, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Kokka & Backus, PC has been revoked by the assignee of the patent application on March 11, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP**
600 Galleria Parkway, S.E.
Suite 1500
Atlanta, GA 30339-5994

UNITED STATES 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, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY SE, STE 1500
ATLANTA, GA 30339-5994

MAILED

APR 19 2010

OFFICE OF PETITIONS

In re Application of
Charles F. KAMINSKI JR
Application No. 11/732,833
Filed: April 5, 2007
Attorney Docket No. **050414-1013**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 14, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 7, 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 2163 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Yujie Cao	: DECISION ON REQUEST FOR
Patent Number	: 7634512	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/732,844	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **312** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, Virginia 22313-1450
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HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083

Mail Date: 05/18/2010

Applicant : Yujie Cao
Patent Number : 7634512
Issue Date : 12/15/2009
Application No: 11/732,844
Filed : 04/04/2007

: 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 **344** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

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DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark Ledeboer et al	:	
Application No. 11/732,845	:	DECISION ON PETITION
Filed: April 5, 2007	:	
Attorney Docket No. VPI/05-197 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a substitute specification and an executed declaration/surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notices mailed January 9, 2008 and August 19, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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FEB 2 9 2008

OFFICE OF PETITIONS

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

In re Application of	:	
KNIGHT, Zachary A. et al.	:	
Application No. 11/732,856	:	DECISION ON PETITION
Filed: April 04, 2007	:	TO WITHDRAW
Attorney Docket No. **71332.00702.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 December 12, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Trevor Coddington on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ZACHARY A. KNIGHT**
3875 18TH ST., APT. 4
SAN FRANCISCO, CA 94114

cc: **KENNETH JENKINS, ESQ.**
12730 HIGH BLUFF DRIVE
SUITE 400
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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MAR 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
KNIGHT, Zachary A. et al.	:	
Application No. 11/732,857	:	DECISION ON PETITION
Filed: April 04, 2007	:	TO WITHDRAW
Attorney Docket No. **71332.00602.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 December 12, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Trevor Coddington on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ZACHARY A. KNIGHT**
3875 18TH ST., APT. 4
SAN FRANCISCO, CA 94114

cc: **KENNETH JENKINS, ESQ.**
12730 HIGH BLUFF DRIVE
SUITE 400
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 30 2009

WALKER & JOCKE
231 South Broadway
Medina, OH 44256

In re Application of	:	
JAY PAUL DRUMMOND et al	:	DECISION ON PETITION
Application No. 11/732,861	:	UNDER 37 CFR §1.181
Filed: April 5, 2007	:	
For: AUTOMATED BANKING MACHINE	:	
SYSTEM UING INTERNET ADDRESS	:	
CUSTOMER INPUT	:	

This is a decision on applicants' petition under 37 CFR 1.181 filed September 9, 2009 to invoke supervisory review of the Office action mailed September 1, 2009.

The petition is **GRANTED-IN-PART.**

The record reflects that on September 1, 2009 an Office action was mailed indicating that the Applicant's Reply filed May 28, 2009 was non-responsive.

Applicants first argue that the basis for the Notice of Non-Responsive Amendment of September 1, 2009 is improper. The examiner argues that the reply lacks arguments "pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references." 37 CFR 1.111. The examiner's reasoning includes "A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." and further "The applicant merely tries to defend their prior general allegation of patentability of new cited claims 22-23 without provided [sic] a specific feature that is distinguishing of the prior cited art... the applicant has not cited how the provided language distinguishes from the cited prior art but merely makes references to the prior amendment which has already been viewed as non-compliant." Applicant's Reply has been reviewed and is seen to be compliant and responsive, therefore, the Office Action of September 1, 2009 was improper.

Applicants further request the case be transferred to a primary examiner. Supervisory review of the Office action mailed September 1, 2009 finds that while the Notice of Non-

Responsive Amendment was improper, the holding is not seen as being arbitrary or capricious, so no transfer is warranted.

The Notice of Non-Responsive Amendment mailed September 1, 2009 is hereby WITHDRAWN.

The application will be forwarded to the examiner for an action on the merits taking in to consideration the amendment filed September 10, 2009.

The petition is **GRANTED-IN-PART.**

Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

td/snm 9/24/09
SM

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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YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Thanhy Mather	:	
Application No. 11/732,863	:	DECISION ON PETITION
Filed: April 4, 2007	:	TO WITHDRAW FROM
Attorney Docket No. 085804-710700	:	RECORD

This is a decision on the request to withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed March 24, 2010.

The request is **NOT APPROVED**.

A review of the file record shows that any previous power of attorney was revoked by the assignee of the above application on April 19, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new correspondence address of record until otherwise notified by applicant.

Telephone inquires 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

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.
11/732,881	04/05/2007	Tatsuya Aoyagi	SUTOSH.134AUS	3211

7590 09/14/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
TAYLOR, NATHAN SCOTT

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
09/14/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Begin. Rev: 09/11/2009 BPOWELL [illegible]
[illegible]
[illegible]

Processed date: 09/11/2009 BPOWELL
[illegible] 11/32881
[illegible] -500.00 UP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL M. GERARDI
28876 WOODCREST LAKE DRIVE
MENIFEE, CA 92584

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Gregory a. Piccionelli	:	
Application No. 11/732,890	:	DECISION ON PETITION
Filed: April 4, 2007	:	
Attorney Docket No. 39003.800US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 27, 2009, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 19, 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 November 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

It is noted that the person signing this petition requests a change of correspondence address to the address given in the petition, there is no indication that the person signing the petition was ever given 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 this petition, however 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 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 2455 for appropriate action by the Examiner in the normal course of business on the reply received April 27, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MICHAEL M. GERARDI
2801 TOWNSGATE ROAD
SUITE 200
WESTLAKE VILLAGE, CA 91361

Best Available Copy

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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.
11/732,910	04/05/2007	Masami Sakita	11000CIP	3491

7590 06/24/2010

MASAMI SAKITA
P.O. BOX 61089
PALO ALTO, CA 94306-1089

EXAMINER
DENION, THOMAS E

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
06/24/2010	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.

Niomi Farmer

Patent Publication Branch
Office of Data Management

Refund Rev:
06/24/2010 [illegible] 00001712[illegible]

CHECK Refund Total: [illegible]

Adjustment date: 06/24/2010 [illegible]
04/05/2007 WA3DELR1 00000007 11732910
02 FC:2111 -250.00 CP
04 FC:2201 -300.00 CP
05 FC:2202 -125.00 CP

FORM PET651G (Rev. 08/07)

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ANDREW F. KNIGHT
1119 TUXFORD DRIVE
BRANDON FL 33511

NOV 20 2008

In re Application of: CRESCI, TIMOTHY
Serial No.: 11/732917
Filed: April 06, 2007
Title: HYDROELECTRIC POWER PLANT AND METHOD OF GENERATING POWER

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 October 27, 2008 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), applications and petitions must be filed 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), effective August 25, 2006. The filing is missing, *inter alia*, a pre-examination search document, an Accelerated Examination Support Document, and form PTO/SB/28.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial; a copy of the Federal Register of June 26, 2006 (71 Fed. Reg. 36323) can be reviewed at the following USPTO website:

http://www.uspto.gov/web/offices/com/sol/notices/71fr36323.pdf

Notably, special status based upon categories such as manufacture, infringement, environmental quality, conservation of energy resources, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities are no longer available (see in above cited notice, p. 36324, col. 1, l. 47 to col. 2, l. 5). 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 Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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.
11/732,960	04/05/2007	Theodor Funck	47268-0004-00-US (402809)	3938

23973 7590 09/18/2008
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER
SHAH, SAMIR M

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
09/18/2008	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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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 FUNCK ET AL.	:	
Appl. No.: 11/732,960	:	**DECISION on PETITION**
Filed: April 05, 2007	:	*37 CFR 1.48(a)*
For: CELL FOR MEASURING ACOUSTIC PROPERTIES OF A FLUID SAMPLE	:	

This decision is in response to the petition filed February 4, 2004 in the above-identified application. The petition seeks to correction inventorship pursuant to 37 CFR 1.48(a).

In view of the papers filed February 4, 2008, it has been found that the patent application, as originally filed, through error and without deceptive intent, improperly set forth the inventorship.

The petition having met all of the requirements of 37 CFR 1.48(a) is granted.

The inventorship in the application has been changed by adding **Alexander Maier** and **Stefan Dickopf** as joint inventor.

SUMMARY: THE PETITION IS GRANTED.

Hezron E. Williams

Hezron E. Williams,
Supervisory Patent Examiner,
Patent Examining Technology Center 2800

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

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MAY 21 2010

OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

In re Application of	:	
Gu et al.	:	
Application No. 11/732969	:	ON PETITION
Filing or 371(c) Date: 04/05/2007	:	
Attorney Docket Number:	:	
TI-61763	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed March 4, 2010.

This Petition is hereby **granted**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 10, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 11, 2009.

Applicant files the present petition, Notice of Appeal and fee.

Accordingly, the petition is granted. The application is being referred to Technology Center Art Unit 2894 to await the brief in support of appeal.

Applicant has two (2) months from the mailing date of this Decision to file an appeal brief. Extensions of time are available under 37 CFR 1.136(a). Accord, MPEP 1215.01

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

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Alexandria, VA 22313-1450
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

MAILED

JAN 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Aaron J. OWENS	:	
Application No. 11/732,972	:	DECISION GRANTING PETITION
Filed: April 5, 2007	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. **IJ0159USNA**	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed January 28, 2010, 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 in favor of a continuing application under 37 CFR 1.53(b).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Petitioner is advised that the issue fee paid in this application cannot be refunded.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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SEP 25 2007

OFFICE OF PETITIONS

HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

In re Application of	:	
Marco Ehrhard et al.	:	
Application No. 11/732,975	:	DECISION ON PETITION UNDER
Filed: April 5, 2007	:	37 C.F.R. § 1.182
Attorney Docket No.: 23376	:	
Title: WATER VAPOR MONITORING	:	
APPARATUS	:	

This is a decision on the petition filed June 29, 2007, requesting that the above-identified application, including Figure 7 and an abstract, be accorded a filing date of April 5, 2007 as part of the original disclosure.

The application was deposited on April 5, 2007. However, on May 2, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants, *inter alia*, that both Figure 7 and the abstract appeared to have been omitted on filing. The notice set a two-month period of reply.

In response, on June 29, 2007, applicants filed the present petition. The petition is further accompanied by, *inter alia*, a copy of both Figure 7 and an abstract, along with a copy of applicants' postcard receipt acknowledging receipt of "10 Drawings" in the United States Patent and Trademark Office (Office) on April 5, 2007. Applicants request that both Figure 7 and the abstract be accorded a filing date of April 5, 2007.

Upon review of the electronic file, the abstract has been located. It is likely that it was not recognized as such due to

the fact that it fails to contain a label which indicates that it is an abstract. Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

Nine sheets of drawings, containing Figures 1-6 and 8 have been located. Figure 7 has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 5, 2007 included a drawing sheet containing Figure 7, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including Figure 7, was complete on filing and entitled to a filing date of April 5, 2007 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. § 1.182 is **GRANTED**.

The notice mailed May 2, 2007 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account in due course.

OIPE will be advised to process the application with a filing date of April 5, 2007, using the original application papers filed on that date, as well as Figure 7 submitted on June 29, 2007, and for noting in Office records that the sheet containing Figure 7 was present on filing.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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CHARLES F. MERONI, JR.
P. O. BOX 309
BARRINGTON, IL 60011

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MAY 3 1 2007

OFFICE OF PETITIONS

In re Application of	:	
FISHER, et al.	:	
Application No. 11/732,995	:	DECISION ON PETITION
Filed: April 5, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 06343	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 5, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Donald Fisher, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Mail Date: 05/04/2010

Applicant	: Neal Castagnoli	: DECISION ON REQUEST FOR
Patent Number	: 7613128	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/733,008	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **3** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

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OFFICE OF PETITIONS

In re Application of
Antonio LA RIVA
Application No. 11/733,017
Filed: April 9, 2007
Attorney Docket No. 32312-UTIL

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 29, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Deborah A. Peacock on behalf of the attorneys of record associated with Customer No. 05179.

The attorneys of record associated with Customer No. 05179 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ANTONIO LA RIVA
1333 COLUMBIA STREET SE, #28
ALBUQUERQUE, NM 87106

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P.O. BOX 2515
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SEAL BEACH, CA 90740-1515

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JUL 16 2008

OFFICE OF PETITIONS

In re Application of :
Chester L. Balestra :
Application No. 11/733,019 :
Filed: April 9, 2007 :
Attorney Docket No. 7784-000911/CPA

ON PETITION

This is a decision on the petition, filed July 14, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 16, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2857 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

cc: Harness Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

---

[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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JAN 04 2010

Winston & Strawn, LLP
Patent Department
1700 K Street, NW
Washington, DC 20006

In re Application of	:	
Yoav Gal	:	
Application No. 11/733,046	:	DECISION ON PETITION
Filed: April 9, 2007	:	TO WITHDRAW
Attorney Docket No. 85167-4500	:	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 11, 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: Howard Baker – VivoMetrics, Inc.
c/o Ralph C. Francis
Francis Law Group
1942 Embarcadero Street
Oakland, CA 94606

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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BUSKOP LAW GROUP, P.C.
4511 DACOMA STREET
HOUSTON, TX 77092

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Ronald D. Factor, et al	:	
Application No. 11/733,049	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 081913-0134 (BSIL-0118A/P	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 9, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the driver's license for applicant Robert William Grimes. 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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FISH & ASSOCIATES, PC
2603 MAIN STREET, SUITE 1050
IRVINE, CA 92614

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MAY 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Neeraj Bhavani :
Application No. 11/733,056 :
Filed: April 9, 2007 :
Attorney Docket No. 101348.0001US1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 22, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** 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 Notice to File Missing Parts of Application (Notice) mailed April 23, 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 above-identified application became abandoned on June 24, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) is missing. This petition can not be granted until the replacement drawings are received. A courtesy copy of the Notice to File Missing Parts of Application (Notice) mailed April 23, 2007 accompany this decision.

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
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) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: Notice to File Missing Parts of Application (Notice) mailed April 23, 2007.

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/733,056	04/09/2007	Neeraj Bhavani	101348.0001US1

CONFIRMATION NO. 7514

FORMALITIES LETTER

2439
PETER H. STEPHENS
1502 CABRILLO AVENUE
SAN FRANCISCO, CA 94118

Date Mailed: 04/23/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 8-9.
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 1-2, 7A-B.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a small entity

- **$65** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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
11/733,056	04/09/2007	Neeraj Bhavani	101348.0001US1

CONFIRMATION NO. 7514

FISH & ASSOCIATES, PC
2603 MAIN STREET, SUITE 1050
IRVINE, CA 92614

POA ACCEPTANCE LETTER

OC000000030133845

Date Mailed: 05/23/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/22/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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
11/733,056	04/09/2007	Neeraj Bhavani	101348.0001US1

CONFIRMATION NO. 7514

POWER OF ATTORNEY NOTICE

2439
PETER H. STEPHENS
1502 CABRILLO AVENUE
SAN FRANCISCO, CA 94118

OC000000030133833

Date Mailed: 05/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/22/2008.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

FISH & ASSOCIATES, PC
2603 MAIN STREET, SUITE 1050
IRVINE, CA 92614

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of :
Neeraj Bhavani :
Application No. 11/733,056 :
Filed: April 9, 2007 :
Attorney Docket No. 101348.0001US1 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 30, 2008, to revive the above-identified application.

The petition is **GRANTED.**

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & ASSOCIATES, PC
Robert D. Fish
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

MAILED

JUL 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Neeraj Bhavani	:	
Application No. 11/733,056	:	DECISION ON PETITION
Filed: April 9, 2007	:	TO WITHDRAW
Attorney Docket No. 101783.0003US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 9, 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 Robert D. Fish 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 Neeraj Bhavani at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Neeraj Bhavani**
10 Mocha Lane, Suite A
Ladera Ranch, CA 92694

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
11/733,056	04/09/2007	Neeraj Bhavani	101783.0003US1

CONFIRMATION NO. 7514

POWER OF ATTORNEY NOTICE

24392
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

OC000000036819357

Date Mailed: 07/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/09/2009.

- 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.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

BUSKOP LAW GROUP, P.C.
4511 DACOMA STREET
HOUSTON, TX 77092

COPY MAILED

JUN 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Ronald D. Factor, et al.	:	
Application No. 11/733,061	:	DECISION ON PETITION
Filed: April 9, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 8888.002	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 9, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant William R. Grimes' 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 2876 for action on the merits commensurate with this decision.

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

In re Application of
Charles D. Gavrilovich

Application No. 11733069

Filed: April 9,2007

Attorney Docket No. CAR100C3

: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 27-JUN-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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 05 2009

OFFICE OF PETITIONS

J. NICHOLAS GROSS, ATTORNEY
2030 ADDISON ST.
SUITE 610
BERKELEY, CA 94704

Applicant: Ian M. Bennett
Application No.: 11/733,108
Filed: April 9, 2007
Title: SPEECH RECOGNITION SYSTEM WITH SUPPORT FOR VARIABLE PORTABLE DEVICES

: **DECISION**
: **GRANTING**
: **AND**
: **DISMISSING**
: **PETITIONS**

This is a decision on the following petitions entitled, (1) "PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed October 21, 2008, and (2) "WITHDRAWAL OF PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed January 27, 2009, requesting that the October 21, 2008 petition be withdrawn.

A review of the record in the instant application indicates that the Office has not yet begun a review of the initial October 21, 2008 petition. Accordingly, based on the facts and circumstances in this case, the January 27, 2009 petition is **granted** to the extent that the October 21, 2008 petition is **dismissed as moot**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. *See* 35 U.S.C. § 41(a)(7). The October 21, 2008 petition is treated as a petition under 37 CFR 1.183 for waiver of 37 CFR 1.98(a). Pursuant to 37 CFR 1.17(f), the required fee for the petition under 37 CFR 1.183 is $400. The fee transmittal form that accompanied the October 21, 2008 petition indicated the incorrect petition fee of $130. Accordingly, the $130 fee paid on October 22, 2008 is being refunded to petitioner's Deposit Account (501-244) and, as authorized on page 3 of the October 21, 2008 petition, the required $400 fee for the petition under 37 CFR 1.183 will be charged to petitioner's Deposit Account (501-244).

The application is being forwarded to Technology Center 2600 for further processing. Telephone inquiries regarding this communication should be directed to Nicole Dretar, Legal Advisor, at (571) 272-7717.

Brian E. Hanlon

Brian Hanlon
Deputy Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/733,108	04/09/2007	Ian M. Bennett	PHO99003D1	7601

52447 7590 01/07/2010
PATENTBEST
4600 ADELINE ST., #101
EMERYVILLE, CA 94608

EXAMINER
LERNER, MARTIN

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

JAN 7 0 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

PATENTBEST
4600 ADELINE ST., #101
EMERYVILLE CA 94608

In Re Application of :
BENNETT, IAN M. :
Application Serial No. 11/733,108 :
Filed: April 9, 2007 :
For: **SPEECH RECOGNITION SYSTEM FOR CLIENT DEVICES HAVING DIFFERING COMPUTING CAPABILITIES** :

DECISION
ON PETITION

This is a response to the petition to expunge/disavow content of office action and re-assign case to different examiner filed May 20, 2009. The petition is being treated under the provisions of 37 CFR 1.181.

Petitioner requests that the Office:

1) expunge and/or disavow portions of page 7 of the Office Action mailed January 13, 2009, including certain derogatory comments made concerning the invention, and defamatory comments concerning the Applicant;

2) re-assign the case to another Examiner based on the admitted bias by Examiner Lerner, and the random, arbitrary and capricious examination demonstrated in the present case;

3) toll/stay any response required in the present case - including an Appeal Brief - until such time as a formal Office Action is issued by a different Examiner.

In accordance with 37 CFR 1.181(f), petitions filed under this part may be dismissed if not filed within two months from the mailing date of the action from which relief is requested.

Accordingly, the petition is **DISMISSED** as untimely.

Notwithstanding the dismissal of the petition, the sentence at lines 6 through 10 of page 7 of the Office action mailed January 13, 2009 is vacated. There is nothing in the record to indicate that applicant is attempting to claim subject matter that was not present in the originally filed application. This is borne out by the absence of any present objection/rejection of the

specification and claims under 35 USC 112, first paragraph and further evidenced by the Notice of Allowability mailed December 1, 2009.

The issue fee and other fees (if required) are due in accordance with the Notice of Allowance mailed December 1, 2009

Mark R. Powell

Mark R. Powell, Director
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOVAK DRUCE + QUIGG LLP
(RIM)
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

COPY MAILED
SEP 12 2008

In re Application of	:	
Mihal Lazaridis et al	:	
Application No. 11/733,111	:	ON PETITION
Filed: April 9, 2007	:	
Attorney Docket No. 8085.005.cnUS00	:	

This is a decision on the petition under 37 CFR 1.313(a), filed September 10, 2008, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of references cited in US Patent No. 7,224,292.

37 CFR 1.313(a) states, in part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of $130 has been charged to petitioner's credit card account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. There are other avenues open to applicant to have references 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 references considered. It is well documented that references satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h) (II).

Additionally, applicant could file a petition under 37 CFR 1.181 and an RCE.

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

If the references is not favorably considered by the examiner, petitioner may wish to file a petition under 37 CFR 1.313(c) (2) after payment of the issue fee.

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANDREWS & KURTH, LLP
600 TRAVIS, SUITE 4200
HOUSTON, TX 77002

COPY MAILED
NOV 24 2008
OFFICE OF PETITIONS

In re Application of :
Alan L. Roberson et al :
Application No. 11/733,154 :
Filed: April 9, 2007 :
Attorney Docket No. LUA041/169449 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed September 26, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on April 9, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 26, 2009 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center Art Unit 3746 for examination in due course.

Irvin Dingle
Petition 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
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/733,154	04/09/2007	ALAN L. ROBERSON	LUA041/169449

CONFIRMATION NO. 7673

23444
ANDREWS & KURTH, L.L.P.
600 TRAVIS, SUITE 4200
HOUSTON, TX 77002

NONPUBLICATION RESCISSION LETTER

OC000000033199054

Date Mailed: 11/20/2008

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 02/26/2009.

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".

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001

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MAY 27 2008

In re Application of	:	
ZHOU, Qing et al.	:	
Application No. 11/733,157	:	DECISION ON PETITION
Filed: April 09, 2007	:	TO WITHDRAW
Attorney Docket No. **ABXAZ.005A**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 09, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that customer number 58249 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **KNOBBE MARTENS OLSON & BEAR LLP**
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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

LOUIS VENTRE, JR
2483 OAKTON HILLS DRIVE
OAKTON, VA 22124-1530

Mail Date: 04/20/2010

Applicant	: Meyer Steinberg	: DECISION ON REQUEST FOR
Patent Number	: 7641881	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/733,185	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **514** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WHITE & FUDALA
57 BEDFORD STREET
SUITE 103
LEXINGTON MA 02420

COPY MAILED
JAN 14 2009

In re Application of
KARABATSOS, Chris
Application No. 11/733,254
Filed: April 10, 2007
Attorney Docket No. **KAR_026**

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 November 19, 2008 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Chris Karabatsos driver's license attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2611 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE, SUITE 302
LATHAM NY 12110

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MAY 2 2 2007

OFFICE OF PETITIONS

In re Application of	:	
NERENBERG, Arnold	:	
Application No. 11/733,255	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. NERE-4426	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 4, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the birth certificate of inventor Arnold P. Nerenberg, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3764 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/733,269	04/10/2007	Albert Jeyakumar	225629-1	7873

7590 06/08/2009
CANTOR COLBURN LLP - SABIC (NORYL)
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
MULLIS, JEFFREY C

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
06/08/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment Date: 06/05/2009 BPOWELL
04/10/2007 INTEFSW 00001676 501131 11733269
02 FC:1111 500.00 CR
04 FC:1202 800.00 CR
05 FC:1201 1000.00 CR

Adjustment date: 06/05/2009 BPOWELL
04/10/2007 INTEFSW 00001676 501131 11733269
02 FC:1111 500.00 CR
04 FC:1202 800.00 CR
05 FC:1201 1000.00 CR

FORM PET651G (Rev. 08/07)

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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JUN 0 9 2008

In re Application of	:	
Connolly et al.	:	
Application No. 11/733,278	:	DECISION ON PETITION
Filed: April 10, 2007	:	
Attorney Docket No. PRD 2644USNP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed May 1, 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 timely obtained. Accordingly, the application became abandoned on July 2, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration including a late filing fee of $ 130, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1050 extension of time fee submitted with the petition on February 12, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272 - 4914.

This application is being referred to Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

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FEB 19 2009

OFFICE OF PETITIONS

In re Application of
Srikanth Gadamsetty et al
Application No. 11/733,344
Filed: April 10, 2007
Attorney Docket No. E0710.0004/P004-A

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed February 19, 2008, is accepted as having been unintentionally delayed.

The Power of Attorney submitted on January 16, 2009, did not include the attorneys/customer number to be appointed. Additionally, the signature on the Power of Attorney is different from the signature on the Statement Under 37 CFR 3.73(b). Therefore, the Power of Attorney submitted on January 16, 2009, is improper.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2163 for appropriate action by the Examiner in the normal course of business on the reply received January 16, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

DEWITT ROSS & STEVENS, S.C.
2.E MIFFLIN ST., SUITE 600
MADISON, WI 53703-2865

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OFFICE OF PETITIONS

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:	
Brandon S. Stables et al	:	
Application No. 11/733,372	:	DECISION
Filed: April 10, 2007	:	
Attorney Docket No. 2202-061584	:	

This is a decision on the Request For Refund filed December 16, 2009. This is also a decision on the paper entitled, "CHANGE IN ENTITY STATUS UNDER 37 C.F.R. §1.28(c)," filed October 1, 2008.

The request for refund is **GRANTED**.

Applicant contends that the fee ($990.00) submitted on October 1, 2008, was erroneously paid because the above-identified application was filed as a large entity and the large entity filing fees were paid. Therefore, the paper filed October 1, 2008, is dismissed as moot and the request for refund filed December 16, 2009 is granted.

As authorized, the $990.00 fee paid on October 1, 1998, has been credited to petitioner's deposit account no. 23-0650 as authorized. Accordingly, all fees must continue to be paid at the large entity rate.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/733,384	04/10/2007	Hiroyuki Shibata	Q98683	8068

23373 7590 01/07/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
LE, DAVID D

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
01/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JAN 07 2009

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of Hiroyuki Shibata et al. Application No. 11/733,384 Filed: April 10, 2007 For: CONTROL APPARATUS AND CONTROL METHOD FOR VEHICULAR DRIVE APPARATUS	:	**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 19, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the JPO application. Specifically, the inclusion of additional dependent claims 6-10 and 12-15 that lack a corresponding claim in the Japanese application, as well as an inconsistency with lines 6-10 of claim 1 which does not appear to be in Japanese claim 1, and lines 11-18 which appear to be a part of the control apparatus, while in Japanese claim 1 it is contained in the preamble, results in the claims of this application not substantially corresponding to that of the Japanese 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: 1/6/09

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FEB 9 2009

TECHNOLOGY CENTER 3600

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Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of Hiroyuki Shibata et al. Application No. 11/733,384 Filed: April 10, 2007 For: CONTROL APPARATUS AND CONTROL METHOD FOR VEHICULAR DRIVE APPARATUS	**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 February 6, 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 the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of renewed petition, which included a supplemental preliminary amendment that amended the claims to substantially correspond to those allowed in the Japanese application upon which priority is based, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 2/8/09

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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MAY 06 2010

OFFICE OF PETITIONS

In re Application of

Arkady Pittel
Application No. 11/733,411
Filed: April 10, 2007
Attorney Docket No. 19965-0007002

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 16, 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 David L. Feigenbaum 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: Arkady Pittel
101 Winthrop Road, Suite 1
Brookline, MA 02445

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/733,411	04/10/2007	Arkady Pittel	19965-0007002

CONFIRMATION NO. 8103

POWER OF ATTORNEY NOTICE

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000041506950

Date Mailed: 05/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/16/2010.

- 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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OFFICE OF PETITIONS

DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE IL 61265

In re Application of	:	
Daniel A. Griswold	:	
Application No. 11/733416	:	DECISION ON
Filing or 371(c) Date: 04/10/2007	:	PETITION
Attorney Docket Number: 17530-US	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed June 5, 2009.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 4, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 4, 2009. Accordingly, the date of abandonment of this application is June 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 payment of the issue fee and the publication fee; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

This application is being referred to the Office of Data Management for processing into a patent.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

TAYLOR & AUST, P.C.
P.O. Box 560
142. S Main Street
Avilla IN 46710

In re Application of
Schlieckau et al.
Application No. 11/733,455
Filed: April 10, 2007
Attorney Docket No. VOI0473.US

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed August 21, 2007 under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on April 10, 2007, without an executed oath or declaration. Accordingly, on April 23, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of June 23, 2007.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make the reply timely, a two (2) month extension of time was also submitted. A review of the record shows the petition fee was not received. Pursuant to petitioner's request deposit account no. 20-0095 will be charged the $200.00 petition fee.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the

petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirements (1).

As to item (1), where an inventor cannot be located/reached as in the case of inventor Brockotter, rule 47 applicant must demonstrate diligent effort was made to find or reach the non-signing inventors. See MPEP 409.03(d). Although petitioner has provided evidence that application papers were mailed to the last known address of inventor Brockotter, sufficient evidence has not been provided that the package was received by the intended recipient. The package was signed for by an unknown party named Schipper. Petitioner has provided no evidence as to what information or belief that the address the package was mailed to belonged to the non-signing inventor.

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. Petitioner may wish to inquire of co-inventors whether they have forwarding information for the non-signing inventors. The steps taken to locate the whereabouts of the nonsigning inventor should be included in a statement of facts. It is important that the statement contain facts as opposed to conclusions. Petitioner should present a signed statement of facts from a person that has first hand knowledge of the diligent efforts made to locate the non-signing inventor.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

TAYLOR & AUST, P.C.
P.O. Box 560
142. S Main Street
Avilla IN 46710

In re Application of
Schlieckau et al.
Application No. 11/733,455
Filed: April 10, 2007
Attorney Docket No. VOI0473.US

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition filed January 17, 2008 under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on April 10, 2007, without an executed oath or declaration. Accordingly, on April 23, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of June 23, 2007. A Petition filed under 37 CFR 1.47 was dismissed on September 17, 2007.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirements (1).

As to item (1), upon renewed petition, rule 47 applicant has located inventor. Petitioner has provided evidence that the application papers were sent and received by inventor Brockotter. Petitioner maintains that the inventor's letter and conduct constitutes refusal to execute the application papers. However, the Office requires additional evidence. A

review of the letter submitted shows that petitioner has requested additional information and explanation of the documents presented. Inventor states he is not unwilling to cooperate. Since this is the first contact that rule 47 has had with the inventor, it is not unreasonable for inventor to request additional information. If petitioner merely inquired as to the compensation that can be received for review, such response could be construed as refusal. Here, petitioner has also requested for simple plain English explanation of the correspondence provided. Further, if inventor did not understand the documents presented, he would be unable to make the attestation that he has reviewed and understands the contents of the application. The record is devoid of any further communication after, inventor Brockotter replied to the request to execute the application papers.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 20 2008

OFFICE OF PETITIONS

TAYLOR & AUST, P.C.
P.O. Box 560
142. S Main Street
Avilla IN 46710

In re Application of	:	
Torben Schlieckau, Berry Brockotter, Mark	:	DECISION GRANTING STATUS
Hodson, Arved Westerkamp and Antony	:	UNDER 37 CFR 1.47(a)
Morton	:	
Application No. 11/733,455	:	
Filed: April 10, 2007		
Attorney Docket No. VOI0473.US		

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 27, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Brockotter has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

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

Berry Brockotter
Rozenkamp 72
7161 WJ Neede
The Netherlands

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of
Torben Schlieckau, Berry Brockotter, Mark Hodson,
Arved Westerkamp and Antony Morton
Application No. 11/733,455
Filed: April 10, 2007
Attorney Docket No. VOI0473.US

Dear Mr. Brockotter:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Charlema Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: TAYLOR & AUST, P.C.
P.O. Box 560
142. S Main Street
Avilla IN 46710

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER, MA 01930-2297

Mail Date: 04/26/2010

Applicant	: Edwin A. Arevalo	: DECISION ON REQUEST FOR
Patent Number	: 7642150	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/733,467	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **126** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20081107

DATE : November 7, 2008

TO SPE OF : ART UNIT 2814

SUBJECT : Request for Certificate of Correction on Patent No.: 7417281 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:

9C1

SPE: Wael Fahmy **Art Unit** 2814

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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OFFICE OF PETITIONS

In re Application of	:	
Rodney Milbourne, et al.	:	
Application No. 11/733,493	:	ON PETITION
Filed: April 10, 2007	:	
Attorney Docket No. 0275L-308/COI	:	

This is a decision on the petition, filed March 3, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 14, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being forwarded to Technology Center AU 3681 for further processing of the request for continued examination under 37 CFR 1.114.

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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HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard C. Raney	:	DECISION ON PETITION
Application No. 11/733,498	:	TO WITHDRAW
Filed: April 10, 2007	:	FROM RECORD
Attorney Docket No. 6308-00202	:	

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 20, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to practitioners associated with Hahn Loeser & Parks, LLP were revoked by the applicant of the patent application on February 16, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

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O2MICRO/GTPP
55 SOUTH COMMERCIAL STREET
MANCHESTER, NH 03101

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AUG 21 2008

In re Application of :
Laszlo Lipcsei et al :
Application No. 11/733,518 : ON PETITION
Filed: April 10, 2007 :
Attorney Docket No. O2M02.23CON2

This is a decision on the petition, filed August 19, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 5, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2838 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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55 South Commercial Street
Manchester NH 03101

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APR 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Laszlo Lipcsei, et al.	:	
Application No. 11/733,518	:	DECISION GRANTING PETITION
Filed: April 10, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. O2M02.23CON2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 31, 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 December 29, 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 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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Jones Day (RIM) - 2N
North Point
901 Lakeside Avenue
Cleveland, OH 44114

Mail Date: 04/20/2010

Applicant	: Dale K. Brubacher-Cressman	: DECISION ON REQUEST FOR
Patent Number	: 7606603	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/733,521	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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John Giblin
United States Patent & Trademark Office
BPAI
600 Dulany Street
Alexandria, VA 22313

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AUG 1 1 2008

In re Application of	:	
Roy L. Fox, Jr.	:	
Application No. 11/733,542	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO WITHDRAW
Attorney Docket No. F4110.80004	:	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 4, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that John Giblin 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.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Roy L. Fox, Jr.**
13099 Harris Highway
Belleville, WV 26133

cc: **Bowles Rice McDavid Graff & Love LLP**
Post Office Box 1386
Charleston, WV 25325-1386

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Roy L. Fox

Application No. 11733542

Filed: April 10,2007

Attorney Docket No. 54834.0500

: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 18-NOV-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/733,553	04/10/2007	Robert P. Morris	I475/US	8388

49277 7590 03/04/2010

SCENERA RESEARCH, LLC
111 CORNING RD.
SUITE 220
CARY, NC 27518

EXAMINER
YANG, I CHAN

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 03/04/2010

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCENERA RESEARCH, LLC
111 Corning Road
Suite 220
Cary, NC 27518

In re Application of:
MORRIS, Robert
Application No. 11/733,553
Filed: April 10, 2007
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR ASSOCIATING USER-PROVIDED ANNOTATION DATA WITH MARKUP

DECISION ON PETITION UNDER 37 C.F.R. § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on January 13, 2010.

The petition is **GRANTED**.

Pursuant to applicant's request filed on January 13, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months from January 13, 2010. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Eddie C. Lee whose telephone number is (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

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OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:
Maria Flores et al.	:
Application No. 11/733,606	: DECISION ACCORDING STATUS
Filed: April 10, 2007	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 14620-042001	:

This decision is in response to the petition filed October 1, 2007 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on April 10, 2007 without an executed oath or declaration. Accordingly, on May 1, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a) filed with a three month extension of time request was filed arguing that joint inventor Ignacio Manzanares refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The present petition lacks items (4).

In regards to item (4), the last known address of joint inventor Manzanares has not been provided as required by 37 CFR 1.47. Petitioners must provide a statement of the last known address of the nonsigning inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the last known address has been provided with a request for reconsideration.

Petitioner is advised also that the fee for a petition under 37 CFR 1.47 is $200.00 and not $130.00 as was indicated in the petition. As well, effective September 30, 2007, the fee for a three month extension of time has been increased from $1020.00 to $1050.00. In view thereof, petitioner's deposit account no. 06-1050 has been charged an additional $70.00 for the petition and an additional $30 for the extension of time.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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

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MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of
Maria Flores et al.
Application No. 11/733,606
Filed: April 10, 2007
Attorney Docket No. **14620-042001**

DECISION ON PETITION

This is a decision on the petition filed February 1, 2008 under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is GRANTED.

The above-referenced application was held abandoned on January 3, 2008, for failure to file a timely response to the Decision Refusing Status under 37 CFR 1.47 mailed November 2, 2007 which set a two (2) month period for reply. Accordingly, a Notice of Abandonment was mailed January 17, 2008.

Petitioner argues that the period for response with extensions of time pursuant to 37 CFR 1.136(a) could be extended up to June 2, 2008, has not lapsed and thus the Abandonment and Notice of Abandonment are premature.

Under the provisions of 37 CFR 1.136(a), an extension of time up to five months could be obtained making the response due date not later than June 2, 2008 as claimed by petitioner. As the period for extensions had not expired, the application is not abandoned and the Notice of Abandonment was mailed prematurely.

Accordingly, the fee in the amount of $120.00 for the one month extension of time has been charged to petitioner's deposit account and the Notice of Abandonment mailed on January 17, 2008, is hereby withdrawn.

A decision on the Request for Reconsideration filed February 1, 2008 will be forthcoming.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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FEB 1 2 2008

OFFICE OF PETITIONS

In re Application of
Maria Flores et al.
Application No. 11/733,606
Filed: April 10, 2007
Attorney Docket No. 14620-042001

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the renewed petition filed February 1, 2008 under 37 CFR 1.47(a)[1].

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on April 10, 2007 without an executed oath or declaration. Accordingly, on May 1, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the a petition under 37 CFR 1.47(a), filed with a three month extension of time request was filed arguing that joint inventor Ignacio Manzanares refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application. The petition was dismissed in a decision mailed November 2, 2007 because the petition lacked compliance with 37 CFR 1.47(b)(4).

Comes now petitioner with a renewed petition, a one month extension of time and the last known address of non-signing inventor Ignacio Manzanares.

The petition bears proof that the application papers including the oath or declaration were personally presented to Mr. Manzanares but that he has expressly refused to execute them.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

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[1]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.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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LATHROP & GAGE LC
2345 GRAND AVENUE
SUITE 2800
KANSAS CITY, MO 64108

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OCT 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Edward KOCH, JR.	:	
Application No. 11/733, 622	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 452718	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 10, 2007 and amended on April 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 the application. 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 3725 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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OCT 3 1 2008

OFFICE OF PETITIONS

In re Application of :
STOCKMAN, Robert M. :
Application No. 11/733,624 :
Filed: April 10, 2007 :
Attorney Docket No. **21401-0007002** :

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 30, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 22, 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 undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2831 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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SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Otremba et al.	:	
Application No. 11/733,658	:	ON PETITION
Filed: April 10, 2007	:	
Attorney Docket No. INF 2006 P 53233 US	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed August 22, 2008, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from "Charlie Tan Tien Lai" to "Tien Lai Tan."

A Corrected Filing Receipt, reflecting the above name change, is enclosed.

This matter is being directed to Technology Center Au 2814 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: 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
11/733,658	04/10/2007	2814	2030	INF 2006 P 53233 US	26	6

CONFIRMATION NO. 8584

CORRECTED FILING RECEIPT

48154
SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

OC000000032499918

Date Mailed: 10/08/2008

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)

Ralf Otremba, Kaufbeuren, GERMANY;
Lutz Goergens, Villach, AUSTRIA;
Gerhard Noebauer, Villach, AUSTRIA;
Tien Lai Tan, Melaka, MALAYSIA;
Erwin Huber, Muenchen, GERMANY;
Marco Puerschel, Muenchen, GERMANY;
Gilles Delarozee, Muenchen, GERMANY;
Markus Dinkel, Taufkirchen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 48154

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/07/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/733,658**

Projected Publication Date: 10/16/2008

Non-Publication Request: No

Early Publication Request: No

Title

Semiconductor Module

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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DAVIS WRIGHT TREMAINE LLP - SANDISK CORPORATION
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO, CA 94111

Mail Date: 04/21/2010

Applicant	: Raul-Adrian Cernea	: DECISION ON REQUEST FOR
Patent Number	: 7643348	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/733,694	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **79** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MARYAM IMAM
95 SOUTH MARKET STREET,
SUITE 570
SAN JOSE, CA 95113

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OFFICE OF PETITIONS

In re Application of	:	
Amit RAMCHANDRAN, et al	:	
Application No. 11/733,707	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO WITHDRAW
Attorney Docket No. 3PLUS1-03US		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 24, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed by Customer No. 27728, as indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: 3PLUS1 TECHNOLOGY, INC.
18809 COX AVENUE, SUITE 250
SARATOGA, CA 95070

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OFFICE OF PETITIONS

MARYAM IMAM
95 SOUTH MARKET STREET, SUITE 570
SAN JOSE, CA 95113

In re Application of
Amit RAMCHANDRAN, et al
Application No. 11/733,707
Filed: April 10, 2007
Attorney Docket No. 3PLUS1-03US

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 23, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Maryam Imam on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

The applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of

the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

cc: AMIT RAMCHANDRAN
1614 WILLOWDALE DRIVE
SAN JOSE, CA 95118

cc: 3PLUS1 TECHNOLOGY, INC.
18809 COX AVENUE, SUITE 250
SARATOGA, CA 95070

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/733,707	04/10/2007	Amit Ramchandran	3PLUS1-03US

CONFIRMATION NO. 8660

POWER OF ATTORNEY NOTICE

27728
Maryam Imam
95 SOUTH MARKET STREET, SUITE 570
SAN JOSE, CA 95113

OC000000037461455

Date Mailed: 08/21/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/23/2009.

- 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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 07/23/2010

Applicant	: Degang Xia	: DECISION ON REQUEST FOR
Patent Number	: 7652445	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/733,712	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/10/2007	: ISSUE CERTIFICATE OF CORRECTION

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of	:	
Rocco L. Martino	:	
Application No. 11/733,730	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 19047-002002	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 10, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **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 a copy of applicant's passport, birth certificate, drivers license or a declaration statement signed by applicant.

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 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 2614 action in its regular turn.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	
Rocco L. Martino	
Application No. 11/733,730	DECISION ON PETITION
Filed: April 10, 2007	TO MAKE SPECIAL UNDER
Attorney Docket No. 19047-002002	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 **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 a legible copy of applicant's passport. It is suggested that the applicant submit a declaration statement to confirm age.

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 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 2614 action in its regular turn.

April M. Wise
Petitions Examiner
Office of Petitions

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JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES, CA 90067

MAILED

APR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Shinichi Takizawa	:	
Application No.: 11/733,748	:	ON PETITION
Filed: April 10, 2007	:	
Attorney Docket No.: 57139-5092	:	

This is a decision on the petition, filed April 15, 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 17, 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 3745 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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

COPY MAILED

MAY 2 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Zhixian Xiang	:	
Application No. 11/733,752	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO WITHDRAW
Attorney Docket No. 021822-002810US	:	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, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend & Townsend & Crew, LLP has been revoked by the assignee of the patent application on January 14, 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: SLATER & MATSIL, LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAY 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
William D. Arnold, et al.	:	
Application No. 11/733,753	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO WITHDRAW
Attorney Docket No. 20268-707.501	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on February 13, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Wilson Sonsini Goodrich & Rosati**
650 Page Mill Road
Palo Alto, CA 94304-1050

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MAIL

MAY 14 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Douglas Worrall
9 Hopson Avenue
Camden South, NSW 2570 AU AUSTRALIA

In re Application of: Douglas B. WORRALL Serial No.: 11/733,787 Filed: April 11, 2007 Title: **TRAVELER SAFETY NOTIFICATION SYSTEM**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 11, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, 6.2 and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the Pre-examination Search Document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/ subclasses: 340/ 574, 531, 309.16 and 707/ 10. Furthermore, a primary examiner has requested a search using additional search terms: (time$ near8 (check$ adj in or report$4) and (notification$1 or notify$3) same contact$1 and trip$1 and registrat$4.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document (AESD) is deficient because section 9(B) titled "Identification of Limitations Disclosed by References" fails to provide an identification of ***all claim limitations*** that are disclosed by ***each*** cited reference. Specifically, petitioner has only pointed out with any particularity where applicant's own claim 1(e), 11(e), and 20(f) are disclosed by each of the cited references. However, applicant has failed to discuss whether or not each reference discloses any other claimed limitations. While it is noted that the Information Disclosure Statement provides an indication of "pages, columns, lines where relevant passages or relevant figures appear", there is no correspondence of these references areas to each of applicant's claimed limitations. Furthermore, the AESD includes detailed discussion of what each references discloses but there is no correspondence of such to applicant's claimed limitations as required by item 6.2 above.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient because section 9(C) titled " Detailed Explanation of Patentability" fails to provide a "detailed explanation of how ***each of the claims*** are patentable over ***each*** of the references cited with particularity required by 37 CFR 1.111(b) and (c)" (emphasis added). Similar to the deficiency of the requirement set forth in 6.2, applicant's discussion of patentability is discussed in regard to two "key differences" identified by applicant; however, these key differences are not specifically recited in the claims. For example, the first key difference identified by applicant states that "My system provides notification via a secure website, rather than by messages sent by telephone or e-mail alone...". However, in looking at independent claim 1 for example, applicant's arguments are more detailed than the claim. Claim 1(g) does not set forth that the website is "secure", and there do not appear to be any negative limitations claimed prohibiting messages sent by telephone or e-mail alone.

In other words, petitioner does not provide an identification of ***all claimed limitations*** and a detailed explanation of patentability of all claims (including the dependent claims) ***with respect to each reference*** and if claims do not stand or fall together, how each claim (including the dependent claims) is patentably distinct over the cited prior art in combination with the other cited references.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such. If any additional prior art is found during the updated search, a new Information Disclosure Statement must also be filed with the Request for Reconsideration identifying any newly found prior art. Furthermore, the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above; and even if no additional prior art is found, it must be updated in accordance with items 6.2 and 6.3 above for the currently cited references as discussed supra.

It is noted that the instant petition also includes a "Declaration in Support of Accompanying Petition to Make Special Reason XI- Counter Terrorism". However, petitioner should note that a petition filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program or if it complies with the requirements set forth in MPEP § 708.02(a). See also MPEP § 708.02.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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JUL 10 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Douglas Worrall
9 Hopson Avenue
Camden South, NSW 2570 AU AUSTRALIA

In re Application of:
Douglas B. Worrall
Serial No.: 11/733,787
Filed: April 11, 2007

Title: **TRAVELER SAFETY NOTIFICATION SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on June 5, 2007 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed May 14, 2007 have been met.

It should be noted that the Amended Pre-Examination Search Document states "No new prior art has been found" and also states "The results of the search are provided on an Information Disclosure Statement filed herewith". These statements appear conflicting. A review of the request for reconsideration and supplemental documents does not find any new Information Disclosure Statement provided "herewith". Furthermore, no new prior art is discussed and the coversheet for the request for reconsideration does not include a reference to a new Information Disclosure Statement. Therefore, it is deemed that no additional Information Disclosure Statement was provided and applicant's reference to such was incorrect and inadvertent.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal

examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

It is noted that the request for reconsideration filed June 5, 2007 was filed via regular postal service (not via the US PTO Electronic Filing System (EFS)); and therefore as set forth supra, the final disposition of this application may occur more than twelve months from the filing of the application. Furthermore, it is noted that applicant's request for reconsideration included a request "that in future, a copy of written communications be sent via e-mail (PDF would be preferable) due to the postal delays in Australia and the 30 day response timescale". Applicant should note that a copy of the applicable 16 January 2007 OG Notice on "Electronic Notification of Outgoing Correspondence" is provided as an attachment to this decision in order that applicant may elect to participate in this program at such time that it becomes available to all users (see last 2 paragraphs of the attached Notice). Until such time that applicant uses the "opt-in" feature for receiving electronic mail message (e-mail) notifications of outgoing correspondence by selecting the appropriate choice on the Customer Number Details screen as instructed in the Notice, all communications will continue to be sent in paper format.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista M. Zele/

Quality Assurance Specialist
Technology Center 2600
Communications

Enclosure: copy of "Electronic Notification of Outgoing Correspondence", from United States Patent and Trademark Office OG Notices: 16 January 2007

United States Patent and Trademark Office OG Notices: 16 January 2007

Electronic Notification of Outgoing Correspondence
(e-Office Action)

Effective December 16, 2006, the United States Patent and Trademark Office (Office) will begin a pilot program to provide a limited number of Private PAIR users with the option of receiving electronic notification of some outgoing correspondence related to their US patents and US national patent applications retrievable through Private PAIR instead of a paper mailing of the correspondence. Patent Cooperation Treaty (PCT) applications will not be included in this pilot.

Participants in this pilot program will no longer receive paper mailings for most correspondence originating from a Technology Center. However, since several areas of the Office have independent mailing processes, pilot participants will continue to receive paper mailings for correspondence originating from several areas of the Office including, but not limited to: Office of Initial Patent Examination, Petitions, PCT, Appeals, Publications, Interference, and Reexamination.

A Private PAIR user will be able to opt-in to receive electronic mail message (email) notifications of outgoing correspondence by selecting the appropriate choice on the Customer Number Details screen for a customer number associated with a correspondence address after logging in to Private PAIR and providing between one and three email addresses to be used for these notifications. The Private Pair user must be a registered patent attorney or agent of record, or a pro se inventor who is a named inventor in the application associated with the customer number through which Private PAIR is accessed. The Office will then send a notification to each provided email address if a new outgoing correspondence has been prepared for the patents or patent applications associated with the user's Customer Number. Each email notification will list all applications, associated with the corresponding Customer Number, in which new outgoing correspondence was prepared for the corresponding electronic application files within the preceding 24 hours. Each email notification will be entered into the corresponding application files. The new outgoing correspondence will become available for viewing and downloading through Private PAIR within two business days of the date of the email notification.

Applicants will have the ability to opt-in or opt-out of receiving electronic notification of Office actions at any time. However, the status of each individual outgoing correspondence, whether electronic or paper, will be determined at the time of the printing of the form PTOL-90 cover sheet (at the time the outgoing correspondence becomes available for viewing, i.e., the date indicated on the correspondence).

The email notification described above will be sent after the Office action has been prepared and entered into the record. The period for reply to any Office correspondence to which a reply is required will commence on the date indicated on the outgoing Office correspondence (i.e., the date the correspondence becomes available for viewing). The date indicated on the Office correspondence will also be considered the date of mailing of such outgoing correspondence for all other purposes (e.g., 37 CFR 1.71(g)(2), 1.97(b), 1.701 through 1.705). The Office communication will become available for downloading and viewing through Private PAIR on the date indicated on the correspondence.

If none of the documents in each of the applications listed in the email notifications are viewed or downloaded through Private PAIR within seven calendar days after the emails are sent, a courtesy postcard notifying the applicant of the availability of electronic Office action will be mailed to the correspondence address associated with the applicant's corresponding Customer Number for each of those applications. The mailing of a courtesy postcard will not restart the time period for reply, and the period for reply to any outgoing Office correspondence to which a reply is required will continue to be measured from the date indicated on such outgoing Office correspondence.

Please note that the email notification procedure outlined above is simply an automated email sent by the Office to alert applicant that an official Office correspondence has been entered in the official record that will be available for viewing via private PAIR. It is not an email sent by the examiner and does not alter the Office policy prohibiting an applicant or examiner from engaging in improper email correspondence. See MPEP section 502.03.

The e-Office Action Pilot Program will begin with a limited number of participants. The Pilot Program will last approximately six months. Upon the conclusion of the pilot program the success of the pilot will be evaluated. At that time decisions will be made as to whether or not to make modifications to the e-Office action program and whether or not to permanently implement the program.

Thus, if the pilot program is successful and a decision is made to permanently implement the program, it is expected that the e-Office Action Program will go into full production sometime around June 2007 at which point the program will be open to all users (registered patent attorney or agent of record, or a pro se inventor who is a named inventor in the application associated with the customer number through which Private PAIR is accessed) having a Customer Number and access to Private PAIR.

For further information please contact the Patent Electronic Business Center (EBC) 866-217-9197 (toll-free) or 571-272-4100 Monday through Friday from 6 a.m. to 12 Midnight Eastern Time or send e-mail to ebc@uspto.gov.

December 19, 2006

JOHN DOLL
Commissioner for Patents

UNITED STATES PATENT AND TRADEMARK OFFICE

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006

JAN 2 9 2008

In re Application of	:	DECISION ON REQUEST TO
Nao SATO et al	:	PARTICIPATE IN PATENT
Application No. 11/733836	:	PROSECUTION HIGHWAY
Filed: April 11, 2007	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 22365-00012-US1	:	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), the preliminary amendment, and the Information Disclosure Statement, filed January 2, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 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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Alexandria, VA 22313-1450
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MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver, CO 80237

MAILED

OCT 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Christopher Michael Salafia, et al.	:	
Application No. 11/733,869	:	DECISION ON PETITION
Filed: October 17, 2008	:	TO WITHDRAW
Attorney Docket No. PPI-003-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 October 17, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Marsh, Fischmann & Breyfogle LLP has been revoked by the assignee of the patent application on November 26, 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 Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MAIER & MAIER, PLLC**
1000 Duke Street
Alexandria, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Bernhard P. Lange	: DECISION ON REQUEST FOR
Patent Number	: 7578422	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/733,870	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **77** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/17/2010

Applicant : Bernhard P. Lange
Patent Number : 7578422
Issue Date : 08/25/2009
Application No : 11/733,870
Filed : 04/11/2007

: 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 **84** 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.
11/733,875	04/11/2007	Jeong-bae LEE	104-1279	8958

7590 03/14/2008
STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

EXAMINER
TRIEU, THERESA

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
03/14/2008	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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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PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP
FGTL
695 KENMOOR S.E.
P. O. BOX 2567
GRAND RAPIDS MI 49501-2567

COPY MAILED

MAY 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Papanikolaou et al.	:	
Application No. 11/733,880	:	DECISION GRANTING PETITION
Filed: April 11, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 81158892	:	

This is a decision on the petition under 37 CFR 1.55(c), filed February 2, 2009, which is more properly handled as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 11/460,279, filed July 27, 2006[1], as set forth in the Application Data Sheet (ADS) filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The original claim for the benefit of priority to the prior-filed nonprovisional application was timely submitted on April 11, 2007. However, it did not comply with 37 CFR 1.78(a)(2)(i) since it did not supply the relationship between the instant application and application no. 11/460,279. Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included

[1] It is noted that the filing date listed in the ADS is July 27, 2009, rather than the proper filing date of July 27, 2006.

in an ADS, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This matter is being referred to Technology Center Art Unit 3673 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/733,880	04/11/2007	3673	1000	81158892	5	1

CONFIRMATION NO. 8964

CORRECTED FILING RECEIPT

OC000000035736217

28415
PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP
FGTL
695 KENMOOR S.E.
P. O. BOX 2567
GRAND RAPIDS, MI 49501-2567

Date Mailed: 04/30/2009

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)

Kosta Papanikolaou, Huntington Woods, MI;
James Loschiavo, Livonia, MI;
Venky Krishnan, Canton, MI;
Marcus Edward Merideth, Westland, MI;
Bhupendra Patel, Canton, MI;

Power of Attorney: The patent practitioners associated with Customer Number 28415

Domestic Priority data as claimed by applicant

This application is a DIV of 11/460,279 07/27/2006 PAT 7,270,029 *
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 05/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/733,880**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PASSIVE ENTRY SIDE DOOR LATCH RELEASE SYSTEM

Preliminary Class

292

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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OFFICE OF PETITIONS

DESIGN IP, P.C.
5100 W. TILGHMAN STREET, SUITE 205
ALLENTOWN, PA 18104

In re Application of	:	
Thomas E. MCWHORTER, et al.	:	
Application No. 11/733,882	:	DECISION ON PETITION TO
Filed: April 11, 2007	:	WITHDRAW FROM RECORD
Attorney Docket No. **CDG-P0001.2**	:	

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 **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 Damon A. Neagle on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address as it is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor Thomas E. McWhorter at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **THOMAS E. MCWHORTER**
2977 FAIRFIELD DRIVE
ALLENTOWN, PA 18103

cc: **CDG RESEARCH CORPORATION**
759 ROBLE ROAD
ALLENTOWN, PA 18109

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

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OFFICE OF PETITIONS

In re Application of
Nicolas Bruno, et. al.
Application No. 11/733,886
Filed: April 11, 2007
Attorney Docket No. 2002-0451-CON

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due, mailed May 23, 2008. The Notice set a period for reply of three (3) months from the mail date of the Notice. Accordingly, the application became abandoned on August 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440, (2) the petition fee of $1540; 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 or authorization of agent to prosecute the above-identified application. However, in accordance with 37CFR 1.34(a), the signature of Thomas M. Isaacson 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. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to the address on the petition.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Data Management for further processing into a patent.

Brian Brown
Petitions Examiner
Office of Petitions

cc: Thomas M. Isaacson
10415 Southern Maryland Blvd.
Dunkirk, MD 20754

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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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

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MAR 19 2008

OFFICE OF PETITIONS

In re Application of
E. Donald MORANDO
Application No. 11/733,888
Filed: April 11, 2007
Attorney Docket No. M048 P01156-US1

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 11, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Quyen Leung at (571) 272-6051, or her absence, the undersigned at (571) 272-7099.

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 1761 for action on the merits commensurate with this decision.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DESIGN IP, P.C.
5100 W. TILGHMAN STREET
SUITE 205
ALLENTOWN, PA 18104

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
McWhorter et al.	:	DECISION ON PETITION
Application No. 11/733,898	:	TO WITHDRAW
Filed: April 11, 2007	:	FROM RECORD
Attorney Docket No. CDG-P0001.1	:	

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**.

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

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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DEAN P. ALDERUCCI
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK NY 10022

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FEB 12 2008

OFFICE OF PETITIONS

In re Application of
Lutnick, et al.
Application No. 11/733,902
Filed: April 11, 2007
Attorney Docket No. 07-2156
For: GAME OF CHANCE DISPLAY

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 21, 2007, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application, mailed April 24, 2007, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on June 25, 2007. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Applicants have submitted a proper reply to the April 24, 2007 Notice in the form of the basic filing fee, search fee, examination fee, surcharge, excess page fee, and executed declaration, a proper statement of the unintentional nature of the delay in responding to the April 24, 2007 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior 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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BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

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OFFICE OF PETITIONS

In re Application of

LADANYI, Donald J.
Application No. 11/733,908
Filed: April 11, 2007
Attorney Docket No. **22750.45318**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 2008.

The request is **NOT APPROVED.**

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **DONALD J. LADANYI**
24582 CHAPPARAL
WESTLAKE OH 44145

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

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OFFICE OF PETITIONS

In re Application of

LADANYI, Donald J.
Application No. 11/733,908
Filed: April 11, 2007
Attorney Docket No. **22750.45318**

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 09, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (2) thru (3) noted in the above-identified certifications have been performed. (Please note under certifications if a box is left unchecked, the request will likely not be approved.)

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **DONALD J. LADANYL**
24582 CHAPPARAL
WESTLAKE OH 44145

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.
11/733,909	04/11/2007	Stanley T. Jefferson	10060333-1	9006

7590 12/11/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
PIERRE LOUIS, ANDRE

ART UNIT	PAPER NUMBER
2123	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2009 NFARMER
24/11/2007 INTEFSW 00001896 501078 11733909
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

MAY 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Hitoshi Nagata	:	
Application No. 11/733,925	:	DECISION GRANTING PETITION
Filed: April 11, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 306889US2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 13, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 9, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Alexandria, VA 22313-1450
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MAIL

MAY 10 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

JAMES NEIL RODGERS
8853 214TH PLACE
LANGLEY -- BRITISH COLUMBIA V1M 2H9 CA CANADA

In re Application of: RODGERS, JAMES NEIL Serial No.: 11/733,949 Filed: April 11, 2007 Title: **CLIP CHIP**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 11, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

MPEP 708.02(a) I (E) states:

(E) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II items 5 through 5.3, and 6.2, 6.3, and 6.5. The petition also fails to comply with the conditions set forth under section MPEP 708.02(a) I (E).

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5 through 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: the database search fails to identify which database or databases (EAST, WEST, etc.) were used in the 'USPTO database' as identified. The US Field of Search and Database Searches that are to be provided under section 8(A) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/subclasses: 340/ 10.1, 10.5, 572.3, and 572.7; 235/492; 342/42 and 44; 257/679; and 455/41.2. Furthermore, the search logic appears incomplete. Keywords have been identified. However, there is no indication of the search strings and or keyword operators used. Was there any Boolean logic used with the keywords identified? Furthermore, essential terms like RFID, RF identification, transponder$1, tag$1, deactivat$3, destroy, perforat$4, conductive ink, and dispos$4 are not included in the text search. A copy of the database search results should be provided for review.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient as follows: part b.) provides an identification of claim limitations that are in the US patent cited and provides only a broad description of each reference cited. However, the petition fails to identify all of the limitations in <u>all of the claims of the application</u> that are disclosed by patent and the non patent literature cited and <u>specifying where the limitation is disclosed by each cited reference</u> as required by item 6.2.

Regarding the requirement in item 6.3 above, the "Accelerated Examination Support Document", part c.) is deficient inasmuch as petitioner does not provide a "detailed explanation of how ***each of the claims*** are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c). Rather, petitioner has provided a broad statement of what each claim does verses what the reference does without explaining, with particularity, which limitation(s) render each of the claim(s) patentable over the references that are cited. Furthermore the limitations identified by the petitioner are not clearly claimed in any of the claims as well. The petition fails to provide a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c) as required by item 6.3.

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", part f.) is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of the specification. Petitioner provides a broad statement that support is shown for each claim and identifies a page and a section, without providing any indication where each specific claim limitation finds support in the specification for each claim. Clarification is required.

Regarding the requirement in MPEP 708.02(a) I (E), the requirement is deficient because application contains multiple dependent claims 4-6 and 9.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5 through 5.3 above, and the Preexamination Search Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Takashi Sugibuchi	: DECISION ON REQUEST FOR
Patent Number	: 7621398	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/733,966	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **239** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE TN 37203

COPY MAILED

MAY 20 2008

OFFICE OF PETITIONS

In re Application of	:	
JUSZKIEWICZ, Henry E.	:	
Application No. 11/733,974	:	DECISION ON PETITION
Filed: April 11, 2007	:	TO WITHDRAW
Attorney Docket No. **V0028**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2008.

The request is **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 Lucian W. Beavers on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **HENRY E. JUSZKIEWICZ**
309 PLUS PARK BOULEVARD
NASHVILLE, TN 37217

cc: **MATTHEW W. SIEGAL**
STROOCK STROOCK & LAVAN, LLP
180 MAIDEN LANE
NEW YORK, NY 10038

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H. DALE LANGLEY, JR.
THE LAW FIRM OF H. DALE LANGLEY, JR. PC
610 WEST LYNN
AUSTIN TX 78703

JUN 20 2007

In re Application of: Torres et al.
Serial No.: 11/733,996
Filed: April 11, 2007
Title: AUTOMATICALLY CONTROLLED THERAPEUTICALLY SHIFTING WHEELCHAIR SEAT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 11, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I:1-4 and II: 1-4, 5.1, 5.3, 6.1, 6.2, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.3, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

When referring to "the petition" herein below, the received papers under consideration include the two page PTO/SB/28 form, the Accelerated Examination Support Document pages 1-6, the Pre-Examination Search Document pages 1-33, and the Information Disclosure Statement and PTO-1449 form. All items were received via EFS Web on April 11, 2007.

Regarding the requirements of section II element 5.2 outlined above, a pre-examination search has been conducted by petitioner in class 297, subclass 330 and class 280, subclasses 650 and 304.1. It appears the search outlined in the petition omitted the most critical search area by not searching class 601 at all, which is where the instant invention would be properly classified. Class 601 is defined as "Subject matter designed to act upon the body by moving, vibrating, or massaging a portion of the body to produce a therapeutic effect and in which the movement of the patient is passive". The instant invention is drawn to a wheelchair which may be controlled to vary the position of the seat providing therapeutic benefit to an occupant of the wheelchair; in the instant invention the movement of the patient to produce the therapeutic effect is passive as it is governed by the program of the wheelchair and achieves the therapeutic effect by moving a portion of the body. Therefore, class 601 is a critical and essential search area. A search of class 604, subclasses 23, 24, 26, 46, 49, 51, 97, 98, and 101 at a minimum would be appropriate. The search of databases provides search logic that is too narrow and does not give the claims the broadest reasonable interpretation. The search logic includes does not appear to include any terms such as sense or measure or adjust or detect or move, etc. to describe how the wheelchair is used in the process as claimed in independent claim 4 or the corresponding means to achieve this in claims 1-3. A grantable petition requires the search be directed to the claimed invention and encompass all of the features of all of the claims while giving the claims the broadest reasonable expectation.

Regarding the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over *each* of the references with particularity required by 37 CFR 1.111(b) and (c). The instant petition, while making reference to each claim specifically in this section does not refer to each reference but rather describes the patentability of each claim generally. As outlined above, all claims must be addressed with at least the same specificity to claim language as is provided for claims 1 and 11 with respect to each cited reference. All claims must be addressed with at least the same specificity to claim language as is provided for the requirement of section II element 6.2 above, and with respect to each cited reference. The petitioner must specifically address each claim with respect to *each reference*. For reference, a grantable petition must meet the requirements of the practice and such includes a discussion with respect to the claimed subject matter. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

Regarding the requirement of section II, elements 6.5, the petition fails to provide a showing of where each limitation of the claims finds support under 112, first paragraph in the written description of the specification as well as in each priority document for which benefit under 35 USC is claimed. The petitioner refers only generally to claims 1 and 3, without any discussion of claim 2 and 4 in this section whatsoever. Moreover, what is provided with respect to claim 1 and 3 is itself not sufficient as the claims are only generally referred to and petitioner has not pointed specifically to where *each limitation* of the claims finds support. Furthermore, the petition fails to provide this showing with respect to US 11/551,758 to which priority is claimed. A grantable petition requires a *complete* showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification as well as each priority document for which benefit is claimed.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Colleen P. Cooke, TC 3700 Special Program Examiner, at (571) 272-1170.

Colleen P. Cooke

Colleen P. Cooke
Special Program Examiner
Technology Center 3700

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H. DALE LANGLEY, JR.
THE LAW FIRM OF H. DALE LANGLEY, JR. PC
610 WEST LYNN
AUSTIN TX 78703

AUG 23 2007

In re Application of: Torres et al.
Serial No.: 11/733,996
Filed: April 11, 2007
Title: AUTOMATICALLY CONTROLLED THERAPEUTICALLY SHIFTING WHEELCHAIR SEAT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed on July 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on April 11, 2007 and dismissed in the Office letter of June 20, 2007.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I:1-4 and II: 1-4, 5.1, 5.2, 5.3, 6.1, 6.2, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 6.3, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

When referring to "the petition" herein below, the received papers under consideration include the two page PTO/SB/28 form, the Accelerated Examination Support Document pages 1-6, the Pre-Examination Search Document pages 1-33, and the Information Disclosure Statement and PTO-1449 form. All items were received via EFS Web on April 11, 2007. The received papers under consideration also include the Supplemental Accelerated Examination Support Document pages 1-10, the Supplemental Pre-Examination Search Document pages 1-34, and the second Information Disclosure Statement and PTO-1449 form all of which were filed July 23, 2007. Upon reconsideration, section II element 5.2 has been considered met as noted above; it is noted these papers were not filed via EFS Web nor was any statement that EFS Web was unavailable provided.

Regarding the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how *each* of the claims are patentable over each of the references with particularity required by 37 CFR 1.111(b) and (c). The instant petition, while making reference to each of dependent claims 2-4, does not refer to specific limitations of each dependent claim which make it separately patentable and also does not explicitly state that the patentability of the dependent claims is based solely on the patentability as discussed with respect to claim 1. Applicant must specifically address each claim by either pointing out that its patentability is predicated <u>solely</u> on its dependence from a (specific) claim which is patentable or that it is separately patentable due to a specific feature of that claim which is argued separately. All claims must be addressed with at least the same specificity to claim language as is provided for the requirement of section II element 6.2 above, and with respect to each cited reference. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

Petitioner's arguments with respect to this point are not well taken. Petitioner refers, in nearly every instance, to the same limitation of claim 1 ("a program of the controller, for periodically, at intervals, invoking the controller to activate the actuator according to the program, for varying seat position in respect to the vase at periodic intervals") to provide the detailed explanation of how claims 1-4 define over each cited reference. While petitioner refers to this limitation for dependent claims 2-4, petitioner mentions other limitations but at no point makes it clear specifically which feature of each claim defines over the cited references. Petitioner has not made clear whether the patentability of these claims is predicated solely on their dependence from claim 1 and that no features of the dependent claims are relied upon to establish novelty/unobviousness or whether certain other features of each of claims 2-4 are in fact relied upon to establish novelty and unobviousness. Thus, applicant has still failed to provide the required detailed explanation of how each claim is patentable over each reference with

particularity required. It is additionally noted that even were the requirement of section II element 6.3 considered to be met in spite of this deficiency, the petition would still be denied based on additional deficiency.

Regarding the requirement of section II, elements 6.5, the petition fails to provide a showing of where *each limitation* of the claims finds support under 112, first paragraph in the written description of the specification as well as in each priority document for which benefit under 35 USC is claimed. The petitioner refers only generally to claims 1 and 3, without any discussion of claim 2 and 4 in this section whatsoever. Moreover, what is provided with respect to claim 1 and 3 is itself not sufficient as the claims are only generally referred to and petitioner has not pointed specifically to where *each limitation* of the claims finds support. Furthermore, the petition fails to provide this showing with respect to US 11/551,758 to which priority is claimed. A grantable petition requires a *complete* showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification as well as each priority document for which benefit is claimed.

Petitioner's arguments with respect to this point are not well taken. This section of the Supplemental AESD is verbatim identical to that of the initial AESD and thus the originally noted deficiencies have not been corrected. Petitioner has failed to provide the required showing of support for *each limitation* of the claims and has failed to even refer to *each claim*. In addition, *no showing whatsoever* has been made with respect to US 11/551,758 to which priority is claimed. Thus this element has still not been met.

DECISION

For the above-stated reasons, the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Colleen P. Cooke, TC 3700 Special Program Examiner, at (571) 272-1170.

Colleen P. Cooke

Colleen P. Cooke
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Technology Center 3700