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KARR TUTTLE CAMPBELL
ATTN: PRIYA SINHA CLOUTIER
1201 THIRD AVENUE, SUITE 2900
SEATTLE, WA 98101

MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of
Casey L. Littles
Application No. 11/778,828
Filed: July 17, 2007
Attorney Docket No. 096-001-07

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) filed February 25, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners 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 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 the documents they file.

A review of the file record indicates that Karr Tuttle Campbell 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 below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: CASEY L. LITTLE
PO BOX 714
SENECA, SC 29678

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HAYES, SOLOWAY P.C.
175 CANAL STREET
MANCHESTER, NH 03101

Mail Date: 04/21/2010

Applicant	: James P. Hofmeister	: DECISION ON REQUEST FOR
Patent Number	: 7619908	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/778,835	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/17/2007	: 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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GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON MA 02110

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NOV 05 2009

OFFICE OF PETITIONS

In re Application of
Feruz GANIKHANOV et al.
Application No. 11/778,838
Filed: July 17, 2007
Attorney Docket No. HARVARD.7817

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 01, 1998, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

/Thurman K. Page/

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

November 25, 2009

Patent No.: 7,616,304 B2
Applicant : Feruz Ganikhanov, et al.
Issued : November 10, 2009
For : **SYSTEM AND METHOD FOR PROVIDING A TUNABLE OPTICAL PARAMETRIC OSCILLATOR LASER SYSTEM THAT PROVIDES DUAL FREQUENCY OUTPUT FOR NON-LINEAR VIBRATIONAL SPECTROSCOPY AND MICROSCOPY**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction under the provisions of Rule 1.322.

The inventors' names are printed in accordance with the typed names on the Declaration, therefore the error was the result of applicants' failure to comply with the requirement that the correct names be indicated on the Declaration or Oath. No correction is in order here under the provisions of Rule 1.322.

In view of the foregoing, your request is hereby denied. However, further consideration will be given your request, upon receipt of a request under the provisions of Rule 1.323. accompanying the appropriate fee of $100.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0483

GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON MA 02110

AJ

PTO/SB/130 (03-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/778,839	Confirmation Number	1154	Filing Date	2007-07-17
Attorney Docket Number (optional)	1702.022.05	Art Unit	3632	Examiner	
First Named Inventor	Franklin M. Ramsey				
Title of Invention	TRASHCAN ASSEMBLY INCLUDING BAG ENGAGING PORTION				

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
Franklin	M.	Ramsey	

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	/Chad D. Tillman/	Date (YYYY-MM-DD)	2008-07-20
Name	Chad D. Tillman	Registration Number	38634

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
Franklin M. Ramsey

Application No. 11778839

Filed: July 17,2007

Attorney Docket No. 1702.022.05

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 21-JUL-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 07/31/2008. 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	11/778,841	Confirmation Number	1158	Filing Date	2007-07-17
Attorney Docket Number (optional)	1702.022.06	Art Unit	3781	Examiner	
First Named Inventor	Franklin M. Ramsey				
Title of Invention	TRASHCAN ASSEMBLY INCLUDING LINER ENGAGING PORTION				

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
Franklin	M.	Ramsey	

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	/Chad D. Tillman/	Date (YYYY-MM-DD)	2008-07-20
Name	Chad D. Tillman	Registration Number	38634

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
Franklin M. Ramsey

Application No. 11778841

Filed: July 17,2007

Attorney Docket No. 1702.022.06

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 21-JUL-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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AUG 23 2007

KOHN & ASSOCIATES, PLLC
30500 NORTHWESTERN HWY
STE 410
FARMINGTON HILLS MI 48334

In re Application of
Kent D. Miller et al
Serial No.: 11/778,871
Filed: July 17, 2007
Attorney Docket No.: 0148.00002

: 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 July 17, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 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 U.S.C. 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 U.S.C. 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 U.S.C. 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 U.S.C. 103(c).

REVIEW OF FACTS

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

Regarding the requirements of MPEP § 708.02, 5 and 6, a review of the documents submitted shows that the Pre-examination Search and Pre-examination Support Documents are contained in a single document when they should be separate documents. There is also no separate IDS statement filed, as indicated in the Support document – i.e., no listing of references on Form 1449 or equivalent. There is a listing of references in the Support document, but this does not qualify as an IDS, *per se*. The Search Document portion is inadequate in that it does not list the search strategy employed, which is required, nor does it adequately set forth what databases were searched. Merely searching a few journals, although relevant, does not meet the requirements of the rules. It is suggested that a professional searcher be employed to conduct an adequate search. The Support document seems to predicate patentability on how the compounds claimed are made, however, there are no process of making steps in the claims. Thus the claims are not mapped to the references in a proper manner. Further, applicants present three sets of claims rather than one set which is confusing. It is noted that a Notice to File Corrected Application Papers was mailed to applicants regarding handwritten material in the claims. The reply presents claims 1-8, however a previous preliminary amendment presents claims 1, 3 and 7-14 causing confusion as to what claims are to be prosecuted. It is also noted that the drawings contain hand-lettered legends which is not permitted and should be corrected at applicants' earliest opportunity. Lastly, the 34 references which are summarized in the Support document are not properly or adequately mapped to all the claim limitations, as required and the statement of utility appears to be speculative to some degree.

In view of the above deficiencies the search and the Pre-exam Support Document and other papers are defective or incomplete and need to be revised or updated.

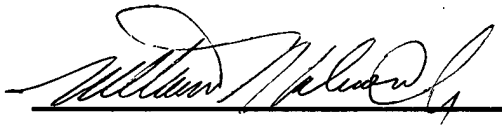
DECISION

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

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

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 William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.



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

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 28 2007

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KOHN & ASSOCIATES, PLLC
30500 NORTHWESTERN HWY
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FARMINGTON HILLS MI 48334

In re Application of
Kent D. Miller et al
Serial No.: 11/778,871
Filed: July 17, 2007
Attorney Docket No.: 0148.00002

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

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on August 23, 2007. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of September 23, 2007, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.

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

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.
11/778,882	07/17/2007	Tae Hun Kim	2060-3502	1222

35884 7590 07/14/2009

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
07/14/2009	ELECTRONIC

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

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

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

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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www.uspto.gov

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
SUITE 2300
LOS ANGELES, CA 90017

In re Application of	:	
KIM, TAE HUN	:	DECISION ON REQUEST TO
Application No. 11/778,882	:	PARTICIPATE IN PATENT
Filed: July 17, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 2060-3502	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 22, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 is deficient as follows:

Petitioner has not complied with items 3 and 6 above in that: For item 3, claims 12, 14, 32, 34, 41-44 of this instant application do not sufficiently correspond to allowable claims 12, 14, 32, 34, and 41-44 of KIPO application 10-2007-006383. For item 6, an information disclosure statement listing the documents cited in the KIPO office actions have been filed, but there were no copies of the Korean foreign documents as listed in the information disclosure statement.

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

Any response must be submitted via EFS-web.

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

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

_____

Doris To
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/778,882	07/17/2007	Tae Hun Kim	2060-3502	1222

35884 7590 08/14/2009

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
08/14/2009	ELECTRONIC

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

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

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

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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www.uspto.gov

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of	:	
KIM, TAE HUN	:	DECISION ON REQUEST TO
Application No. 11/778,882	:	PARTICIPATE IN PATENT
Filed: July 17, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 2060-3502	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 12, 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 now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

_____

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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OLIFF & BERRIDGE, PLC.
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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NOV 14 2007

OFFICE OF PETITIONS

In re Application of :
Keilty, et al. : ON PETITION
Application No.: 11/778,918 :
Filed: July 17, 2007 :
Attorney Docket No.: 131898 :
For: METHOD AND APPARATUS FOR CONTROLLING MULTIPLE COLOR DEVELOPERS USING A CAMMING MECHANISM

This is a decision on the petition under 37 CFR 1.47(a), filed October 1, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented.

The declaration does not contain all required information for Mr. Masham. Only his name is listed.

An oath or declaration in compliance with 37 CFR 1.63 and1.64 signed by the Rule 1.47 applicants on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

A new declaration must be created. The declaration should be typed. All the co-inventors must sign the new declaration that lists their own information and complete information for Mr. Masham because they are attesting that this information is true to the best of their knowledge.

Regarding fees, deposit account no. 24-0037 will be charged the required Rule 47 petition fee of $200.00.

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

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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JAN 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Keilty, et al. : ON PETITION
Application No.: 11/778,918 :
Filed: July 17, 2007 :
Attorney Docket No.: 131898 :
For: METHOD AND APPARATUS FOR CONTROLLING MULTIPLE COLOR DEVELOPERS USING A CAMMING MECHANISM

This decision is mailed in response to the reconsideration petition under 37 CFR 1.47(a), filed November 29, 2007.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
(2) an acceptable oath or declaration;
(3) the petition fee of $200;
(4) a statement of the last known address of the non-signing inventor;

This petition is missing (2) above. Regarding (2) above, an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 **still** has not been presented. See MPEP 409.03(a).

The declaration filed on November 29, 2007 does not contain all required information for Mr. Masham. His citizenship is missing from the declaration.

Once a declaration containing complete information for all joint inventors and executed by Mr. Masham is received in the Office, Mr. Masham's joinder will be recognized. Until that point, Rule 47 status would be required for the application.

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

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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MAY 27 2008

In re Application of Keilty, et al. Application No.: 11/778,918 Filed: July 17, 2007 Attorney Docket No.: 131898 For: METHOD AND APPARATUS FOR CONTROLLING MULTIPLE COLOR DEVELOPERS USING A CAMMING MECHANISM	: : : : : :	DECISION NOTING JOINDER OF PREVIOUSLY NON-SIGNING INVENTOR AND DISMISSING PETITION UNDER 37 CFR 1.47(A) AS MOOT

Papers filed on February 6, 2008 in reply to a decision refusing status under 37 CFR 1.47(a), mailed on January 2, 2008, included a declaration signed by the previously non-signing inventor, Roger Derek Masham, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

After the mailing of this decision, the application will be forwarded to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Ching-Hsiang Hsu :
Application No. 11/778,946 : DECISION ON PETITION
Filed: July 17, 2007 : TO WITHDRAW
Attorney Docket No. 001409.00019 : 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 9, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Banner & Witcoff, LTD has been revoked by the assignee of the patent application on February 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 address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: ASIA PACIFIC INT'L
PATENT & TRADEMARK OFFICE
6F, 81 S.2 CHANG AN E ROAD
TAIPEI TAIWAN
REPUBLIC OF CHINA

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

12/16/09

Patent No. :7628055
Inventor(s) :Kolb
Issued : 12/8/2009
Title : METHOD OF DETERMINING THE ZERO-CLEARANCE PRESSURE IN A CONTROLLED CLEARANCE PISTON GAUGE
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals Fig. 3, sheet of 4 is printed in accordance with the record please show evidence of supporting data. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

GE GLOBAL PATENT OPERATION
2 CORPORATE DRIVE SUITE 648
SHELTON, CT 06484

HR

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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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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JUL 11 2008

In re Application of :
Doney, et al. :
Application No. 11/779,019 : ON PETITION
Filed: July 17, 2007 :
Attorney Docket No. 62136.000069 :

This is in response to the petition under 37 CFR 1.47(a), filed March 17, 2008.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Grant William Doney, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(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.

After the mailing of this decision, the application will be forwarded to the Technology Center AU 1791 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

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

GRANT WILLIAM DONEY
405 CHEYENNE DRIVE
LAGRANGE GA 30240

COPY MAILED

JUL 11 2008

In re Application of :
Doney, et al. :
Application No. 11/779,019 : LETTER
Filed: July 17, 2007 :
Attorney Docket No. 62136.000069 :

Dear Mr. Doney:

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).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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

O'MELVENY & MYERS, LLP
IP&T CALENDAR DEPARTMENT LA-13-A7
400 SOUTH HOPE STREET
LOS ANGELES, CA 90071-2899

MAILED

APR 07 2009

OFFICE OF PETITIONS

In re Application of :
Stephen H. Monroe, et al. :
Application No. 11/779,026 : DECISION ON PETITION
Filed: July 17, 2007 : TO WITHDRAW
Attorney Docket No. 335.699-098 : 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 27, 2009.

The request is **APPROVED**.

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

The request was signed by John Kappos on behalf of all attorneys of record who are associated with customer No. 34263. All attorneys/agents associated with the Customer Number 34263 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: GREYSTONE PHARMACEUTICALS, INC.
16261 BASS ROAD
SUITE 202
FORT MYERS, FL 33908

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
11/779,026	07/17/2007	Stephen H. Monroe	335,699-098

CONFIRMATION NO. 1483

34263
O"Melveny & Myers LLP
IP&T Calendar Department LA-13-A7
400 South Hope Street
Los Angeles, CA 90071-2899

POWER OF ATTORNEY NOTICE

OC000000035229936

Date Mailed: 03/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/27/2009.

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

/amwise/

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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THOMPSON HINE L.L.P.
Intellectual Property Group
P.O. BOX 8801
DAYTON OH 45401-8801

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NOV 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Achilefu et al.	:	
Application No. 11/779088	:	DECISION GRANTING
Filing or 371(c) Date: 07/17/2007	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
MRD-59CPC	:	

This is in response to the Petition, filed with the application on July 17, 2007, to accord rule 47 status to the above-identified application. Applicant files a copy of a petition, decision on the petition, and a copy of the oath/declaration from prior application 10/688,338, of which the above-identified application is a continuation application.

As provided in 37 CFR 1.63(d)

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.
> (3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
> (i) A copy of the decision granting a petition to accord § 1.47 status to

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

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

The application file is being referred to the Office of Patent Application Processing for acknowledgment of receipt of the oath/declaration filed July 17, 2007, for withdrawal of the Notice to file Missing parts of Nonprovisional Application, mailed August 17, 2007, and continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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

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United States Patent and Trademark Office
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FROM DIRECTOR'S OFFICE

OCT 23 2007

TECHNOLOGY CENTER 3600

Kinney & Lange, P.A.
The Kinney & Lange Building
312 South Third Street
Minneapolis, MN 55415-1002

In re application of
Sam Curnow et al.
Application No. 11/779,089
Filed: July 17, 2007
For: SURGICAL TRAY CORNER PROTECTOR

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on July 19, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

REVIEW OF FACTS

The petition fails to comply with conditions II.5, II.5.2, II.6.3 and II.6.5, above.

As to condition II.5, there does not appear to be any statement indicating a good faith belief that the preexamination search was conducted in compliance with the requirements for making an application special. This statement is critical in case there is some situation in which the application may need to be referred to Office of Enrollment and Discipline (OED), so such a statement with a signature is seen as being needed.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the areas already searched, the search needs to include a search of 248/188.1, 188.2, 673, 678; 346.01, 346.02, 346.11, 346.5 and 94; 220/646 and 647; and 206/363,and 77.1.

With respect to the required text search of the US Patents database there does not appear to have been any such text search made, or at least provided. Such a text search is needed. The search logic used in the text searches of the foreign art and NPL as provided in the petition appears to lack the incorporation of terms that would constitute "the broadest reasonable interpretation" of the claimed subject matter as is required. The text search appears to be too narrow to encompass the broadest reasonable interpretation of the claimed invention. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: http://www.uspto.gov/web/patents/accelerated/. Furthermore, a sample of search logic to be used in this application is provided below:

(corner AND (protect$ OR guard$ OR cover$)) and (rib OR aperture OR hole)

This sample search logic is not meant to be the sole search logic that can or should be employed in this application, but is meant solely as an example of a starting off point for applicant's assistance. The foreign patent file and NPL databases searched are adequate, however the text logic deficiency as outlined above appears to be present. In addition, when explaining the text search used in the Delphion Patent Database, applicant states that the "Delphion searches, included, but were not limited to, the following...". If they weren't limited to the text search provided what were they limited to?

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. The explanation needs to specify how each of the claims (not just the independent claims) are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. Also, when explaining that a limitation is not taught by the prior art it should be made clear which specific portion of the limitation is not taught or make it clear that no part of the limitation is taught by any of the references.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/.

As to condition II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation (including limitations in dependent claims) the Support Document needs to identify, preferably by specific passages, or at the very least a single paragraph where each limitation has support. Listing broadly a number of figures or a paragraph does not comply with what is required. Also, similarly, every claimed limitation must be specifically shown where support exists in the PCT and the provisional application so that the examiner can determine an effective filing date for each claim.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

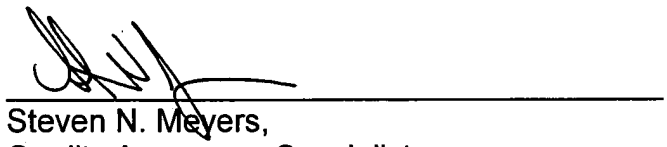
DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.



Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 9/21/07

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FROM DIRECTOR'S OFFICE

DEC 10 2007

TECHNOLOGY CENTER 3600

Kinney & Lange, P.A.
The Kinney & Lange Building
312 South Third Street
Minneapolis, MN 55415-1002

In re application of
Sam Curnow et al.
Application No. 11/779,089
Filed: July 17, 2007
For: SURGICAL TRAY CORNER PROTECTOR

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on November 20, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

It is noted that page 5 of applicant's Supplemental Support Document contains some discrepancies/errors. The detailed explanation of patentability of claim 17 indicates that it is not separately patentable, when the explanation in Appendix A indicates it contains subject matter that is not taught by the prior art and thus would be separately patentable. The explanation of patentability of claim 18 refers to claim 17. This decision interprets the Support Document to allege that applicant believes that claim 17 is separately patentable and that claim 18 is not. This interpretation coincides with the explanation of claims 17 & 18 listed in Appendix A.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how

the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

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

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,
Special Program Examiner
Technology Center 3600

Sm/sm: 12/9/07

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INFINERA CORPORATION
1322 BORDEAUX DRIVE
SUNNYVALE CA 94089

MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of :
Little, et al. :
Application No. 11/779,108 : ON PETITION
Filed: July 17, 2007 :
Attorney Docket No. P187 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 9, 2009.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** a final agency decision within the meaning of 5 USC 704.

35 USC 122(b)(2)(B)(iii) states:

> An applicant who has made a request under clause (I) but who subsequently files, in a foreign country or under a multilateral international agreement specified in clause (I), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

37 CFR 1.137(b) is the applicable regulation for reviving an application due to unintentional delay. A petition to revive under 37 CFR 1.137(b) pursuant to 37 CFR 1.137(f) must be accompanied by:

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition does not meet requirement (1). Petitioner has not notified the Office of the date of the foreign filing. Form PTO/SB/64a is enclosed for petitioner's convenience.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64a (2 pages)
Privacy Act Statement (1 page)

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Little, et al.	:	
Application No. 11/779,108	:	ON PETITION
Filed: July 17, 2007	:	
Attorney Docket No. P187	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 25, 2009.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of an international application filed on July 17, 2008. However, the US Patent and Trademark Office was unintentionally not notified of this filings within 45 days subsequent to the filing of the PCT application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

As petitioner previously paid the $1620 petition fee on February 9, 2009, the $1620 charged for the instant petition has been refunded to Deposit Account No. 50-2022.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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QUARLES & BRADY, LLP
RENAISSANCE ONE
TWO NORTH CENTRAL AVENUE
PHOENIX, AZ 85004-2391

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
J. Daniel Sinclair :
Application No. 11/779,180 : DECISION ON PETITION
Filed: July 17, 2007 : TO WITHDRAW
Attorney Docket No. 117316.00027 : 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 7, 2009.

The request is **APPROVED**.

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

The request was signed by Bradley K. DeSandro on behalf of all attorneys of record who are associated with customer No. 26707. All attorneys/agents associated with the Customer Number 26707 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: J. DANIEL SINCLAIR
7250 COLLEGE PARKWAY
SUITE 3
FORT MYERS, FL 33907

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/779,180	07/17/2007	J. Daniel Sinclair	117316.00027

CONFIRMATION NO. 1731

POWER OF ATTORNEY NOTICE

26707
QUARLES & BRADY LLP
RENAISSANCE ONE
TWO NORTH CENTRAL AVENUE
PHOENIX, AZ 85004-2391

OC000000036493547

Date Mailed: 06/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2009.

- 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.

/amwise/

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

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975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 1 0 2009

OFFICE OF PETITIONS

In re Application of
David R. Allen et al.
Application No. 11/779,234
Filed: July 17, 2007
Attorney Docket No. **056274-3579**

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 July 14, 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.

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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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Joe SANCHEZ, et al	:	
Application No. 11/779,321	:	DECISION ON PETITION
Filed: July 18, 2007	:	
Attorney Docket No. N3318	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 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 August 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 October 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and the oath or declaration; (2) the petition fee of $1540; and (3) an adequate statement of unintentional delay.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178

(October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received May 20, 2008.

Thurman Page
Petitions Examiner
Office of Petitions

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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

Mail Date: 04/20/2010

Applicant	: Jose Sanchez	: DECISION ON REQUEST FOR
Patent Number	: 7584887	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/779,321	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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Philip S. Johnson
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

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SEP 15 2008

In re Application of :
Mark S. Zeiner et al. :
Application No. 11/779,322 : DECISION ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. END6255USNP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 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 August 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 obtained. Accordingly, the application became abandoned on October 2, 2007. A Notice of Abandonment was mailed on May 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form replacement drawings, (2) the petition fee of $1,540, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings are 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.

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 June 24, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Dean L. Garner
4545 Creek Road
Cincinnati, OH 45242

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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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

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In re Application of	:	
Bruce Merati, et al.	:	
Application No. 11/779,326	:	DECISION ON PETITION
Filed: July 18, 2007	:	TO WITHDRAW
Attorney Docket No. 67190158.001101	:	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, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Baker & McKenzie, LLP has been revoked by the assignee of the patent application on November 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: BRUCE MERATI
12625 HIGH BLUFF DRIVE
SUITE 311
SAN DIEGO, CA 92130

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GOUDREAU GAGE DUBUC
2000 MCGILL COLLEGE
SUITE 2200
MONTREAL QC H3A 3H3 CA
CANADA

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FEB 25 2009

OFFICE OF PETITIONS

In re Application of :
Luc Milette :
Application No.11/779,338 : DECISION ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. 771/13569.228 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 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 election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Restriction Requirement mailed June 3, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2883 for appropriate action by the Examiner in the normal course of business on the reply received January 19, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Themis Intellectual Property Counsel
7660 Fay Ave Ste H378
La Jolla CA 92037

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OFFICE OF PETITIONS

In re Application of :
ALMERIGO SARTORE :
Application No. 11/779,339 : DECISION ON PETITION
Deposited: July 18, 2007 :
Atty Docket No. 07MAR010 :

This is a decision on the petition under 37 CFR 1.57(a), filed September 21, 2007, requesting that the application be accorded a filing date of July 18, 2007.

For the reason stated herein, the petition is **DISMISSED**.

Petitioner is given **TWO (2) MONTHS** from the mailing date of this decision to correct the below-noted deficiency. 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)."

Petitioner deposited the application papers on July 18, 2007. On July 30, 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 drawings. Additionally, the Notice indicated that an oath or declaration was missing.

On September 21, 2007, petitioner submitted the present petition, the $400.00 petition fee, a preliminary amendment to include the inadvertently omitted drawings, a copy of the prior-filed Italian Application No. V12006A000227, an identification of where the inadvertently omitted drawings could be found in the prior-filed application, and an executed declaration. Petitioner asserts that

the seven drawing sheets were inadvertently omitted the upon depositing the present application due to a clerical error. Petitioner requests entry of the preliminary amendment to include the drawings based on the incorporation by reference of the prior-filed foreign 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. A review of the record confirms that upon depositing the application, it contained a claim under 37 CFR 1.55 for priority of prior-filed Italian Application No. V12006A000227, filed July 18, 2006. Petitioner asserts that the inadvertently omitted drawings are completely contained in the prior-filed application, and can be found immediately following the specification. Additionally, petitioner states: "The priority application is in the Italian language, and the specification of the present application filed on July 18, 2007 is a translation of the specification of the priority application." *Petition, 09/21/07, p. 1.*

The Office reminds petitioner that when an English language translation is required, as is required pursuant to 37 CFR 1.57(a)(1)(ii), petitioner must also submit a statement that the translation of the certified copy is accurate. See 37 CFR 1.55(a)(4)(iii). However, petitioner did not provide a statement that the translation of the certified copy is accurate with the English language translation. In view thereof, the petition is dismissed.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Themis Intellectual Property Counsel
7660 Fay Ave Ste H378
La Jolla CA 92037

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OFFICE OF PETITIONS

In re Application of :
ALMERIGO SARTORE :
Application No. 11/779,339 :
Filed: July 18, 2007 :
Atty Docket No. 07MAR010 :

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.57(a), filed February 13, 2008, requesting that the application be accorded a filing date of July 18, 2007.

Petitioner deposited the application papers on July 18, 2007. On July 30, 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 drawings. Additionally, the Notice of Incomplete Nonprovisional Application indicated that an oath or declaration was missing.

On September 21, 2007, petitioner submitted the original petition under 37 CFR 1.57(a), the $400.00 petition fee, a preliminary amendment to include the inadvertently omitted drawings, a copy of the prior-filed Italian Application No. V12006A000227, an identification of where the inadvertently omitted drawings could be found in the prior-filed application, and an executed declaration. Petitioner asserted that the seven drawing sheets were inadvertently omitted upon depositing the present application due to a clerical error. Petitioner requested entry of the preliminary amendment to include the drawings based on the incorporation by reference of the prior-filed foreign application pursuant to 37 CFR 1.57. However, petitioner did not submit a statement that the translation of the certified copy was accurate

with the English language translation.[1] Accordingly, the petition of September 21, 2007, was dismissed by the decision of February 4, 2008. The decision set a two-month, non-extendable period, from the mail date of the decision to correct the deficiency and submit a renewed petition under 37 CFR 1.57(a).

On February 13, 2008, petitioner filed the present renewed petition under 37 CFR 1.57(a).

37 CFR 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> > (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

[1] When an English language translation is required, as is required pursuant to 37 CFR 1.57(a)(1)(ii), a petitioner must also submit a statement that the translation of the certified copy is accurate. See 37 CFR 1.55(a)(4)(iii).

> (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 application was deposited after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. A review of the record confirms that upon depositing the application, it contained a claim under 37 CFR 1.55 for priority of prior-filed Italian Application No. V12006A000227 filed July 18, 2006. Petitioner asserted that the inadvertently omitted drawings are completely contained in the prior-filed application, and could be found immediately following the specification. Additionally, Franco A. Serafini, the attorney signing the renewed petition, asserts that he is fluent in the English and Italian languages. Additionally, Mr. Serafini states that the specification of the present application is an accurate English language translation of the specification of the certified copy of the priority application, No. V12006A000227, submitted on September 25, 2007.

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 1.55 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 July 18, 2007**, as an application claiming priority of prior-filed Italian Application No. V12006A000227, including the copy of Figures 1-7 from the prior-filed foreign application supplied on September 21, 2007.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DINSMORE & SHOHL LLP
FIFTH THIRD CENTER, ONE SOUTH MAIN STREET
SUITE 1300
DAYTON, OH 45402-2023

Mail Date: 04/27/2010

Applicant	: Jeffrey Reynolds	: DECISION ON REQUEST FOR
Patent Number	: 7683116	: RECALCULATION of PATENT
Issue Date	: 03/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/779,340	: OF WYETH
Filed	: 07/18/2007	:
		:

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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Commissioner for Patents
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STEVEN M. MITCHELL
PACESETTER INC
701 EAST EVELYN AVENUE
SUNNYVALE, CA 94086

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OCT 1 4 2008

OFFICE OF PETITIONS

In re Application of :
Brian Jeffrey Wenzel et al :
Application No. 11/779,350 : DECISION ON PETITION
Filed: July 18, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. A07P3015-US1 :

This is a decision on the petition, filed June 13, 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 2, 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 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 AU 3766 for further processing.

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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/779,350	07/18/2007	Brian Jeffrey Wenzel	A07P3015-US1

CONFIRMATION NO. 2034

24473
STEVEN M MITCHELL
PACESETTER INC
701 EAST EVELYN AVENUE
SUNNYVALE, CA 94086

NONPUBLICATION RESCISSION LETTER

Date Mailed: 10/10/2008

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 01/15/2009.

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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STEVEN M MITCHELL
PACESETTER INC
701 EAST EVELYN AVENUE
SUNNYVALE CA 94086

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JUL 25 2008

In re Application of :
Wenzel, et al. :
Application No.11/779,380 : DECISION GRANTING PETITION
Filed: July 18, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. A07P3015-US2 :

This is a decision on the petition, filed June 13, 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 2, 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.

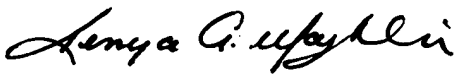
It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into 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 instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

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

This application is being forwarded to Technology Center Art Unit 3766 for examination in due course.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Theresa Takeuchi
St. Jude Medical
701 E. Evelyn Avenue
Sunnyvale, CA 94086

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/779,428	07/18/2007	Philippe Javaux	403986	2177

7590 10/09/2009

LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

EXAMINER	
FULTON, KRISTINA ROSE	
ART UNIT	**PAPER NUMBER**
3673	
NOTIFICATION DATE	**DELIVERY MODE**
10/09/2009	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 10/08/2009 NFARMER
10/02/2007 INTEFSW 00005959 121216 11779428
02 FC:1111 510.00 CR

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WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

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MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Ruben Diaz	:	DECISION ON PETITION
Application No. 11/779,434	:	TO WITHDRAW
Filed: July 18, 2007	:	FROM RECORD
Attorney Docket No. 250547-01000	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 15, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Weaver Austin Villeneuve & Sampson LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Weaver Austin Villeneuve & Sampson LLP not having power of attorney. See MPEP §§ 601.03 and 405.

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

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

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

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

Mail Date: 05/21/2010

Applicant	: Dong Woo Lee	: DECISION ON REQUEST FOR
Patent Number	: 7668495	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/779,468	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **224** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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AKC PATENTS
215 GROVE ST.
NEWTON, MA 02466

COPY MAILED
NOV 06 2008

In re Application of	:	
Kingsley R. Chin, et. al.	:	
Application No. 11/779,470	:	ON PETITION
Filed: July 18, 2007	:	
Attorney Docket No. KC-116	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice to File Corrected Application Papers mailed July 31, 2007. A Notice of Abandonment was mailed on September 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of five sheets of replacement drawings containing Figures 4A-C, 6A-C, 8A-10C; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/779,474	07/18/2007	Sei Kato	JP920060067US1	2249

27431 7590 09/15/2008

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

EXAMINER	
BEAUSOLIEL JR, ROBERT W	

ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
09/15/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEP 12 2008

TECHNOLOGY CENTER 2100

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

In re Application of: KATO et al
Application No. 11/779,474
Filed: July 18, 2007
For: METHOD FOR DETECTING ABNORMAL INFORMATION PROCESSING APPARATUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 17, 2008, to make the above-identified application special.

The petition is **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of 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 Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/779,492	07/18/2007	Si-joong JANG	104-1315	2280

7590 07/21/2010

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

EXAMINER	
NGUYEN, LAMSON D	
ART UNIT	PAPER NUMBER
2861	
MAIL DATE	DELIVERY MODE
07/21/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAIL

JUN 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
KUDOH, YOSHIHARU, et al. :
Application No. 11/779,504 :
Filed: July 18, 2007 :
Attorney Docket No. JP920060075US1 :

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 May 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 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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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED

MAY 1 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Naghavi et al.	:	DECISION ON PETITION
Application No. 11/779,543	:	TO WITHDRAW
Filed: July 18, 2007	:	FROM RECORD
Attorney Docket No. 723-0004US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed March 5, 2010.

The request is **NOT APPROVED**.

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

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

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. Customer Number 26328 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Additionally, the electronic signature on the petition is considered improper. Petitioner has used two forward slashes where one is required and it is unclear from the letters in between the slashes as to the identity of the person signing the petition. Petitioner is directed to 37 CFR 1.4(d)(2) for proper electronic signature requirements.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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NORRIS MCLAUGHLIN & MARCUS, P.A.
721 ROUTE 202-206
P.O.BOX 5933
BRIDGEWATER NJ 08807-5933

MAILED

APR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Ralph et al.	:	
Application No. 11/779,559	:	ON PETITION
Filed : July 18, 2007	:	
Attorney Docket No. 104084-024	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 22, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. 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 3738 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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BARRY W. CHAPIN, ESQ.
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH, MA 01581

MAILED
APR 20 2010
OFFICE OF PETITIONS

Applicant: HakJune Oh
Appl. No.: 11/779,587
Filing Date: July 18, 2007
Title: Memory With Data Control
Attorney Docket No.: MOS07-02(1255-01US-000-45)
Pub. No.: US 2009/0021992 A1
Pub. Date: January 22, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 19, 2009, for the above-identified application.

The request is DISMISSED as moot.

Since the application has been issued as a patent on March 30, 2010, the request is deemed moot.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). See MPEP 1130(b). The publication accurately reflected the specification as filed.

The assignment information was not printed, as the information was not provided on an Application Data Sheet (ADS) or a transmittal letter on filing.[1]

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

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

[1] See 37 CFR 1.215, MPEP 1122 and Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/779,598	07/18/2007	Kang-woo KIM	P2050US00	2512

7590 05/05/2009

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER	
SANGHAVI, HEMANG	

ART UNIT	PAPER NUMBER
2874	

NOTIFICATION DATE	DELIVERY MODE
05/05/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
05/05/2009 0030069708

Credit Card Refund Total: $600.00

Acct Exp..: XXXXXXXXXXX2002

Adjustment date: 05/05/2009 NFARMER
07/19/2007 INTEFSW 00001166 11779598
02 FC:1111 -500.00 OP
04 FC:1202 -100.00 OP

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/13/09

TO SPE OF : ART UNIT 2856

SUBJECT : Request for Certificate of Correction for Appl. No.: 11779637 Patent No.: 7523650 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 9C62-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: Ok to enter

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Hezron Williams/

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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TILLMAN WRIGHT, PLLC
PO BOX 49309
CHARLOTTE, NC 28277-0076

MAILED

MAY 13 2010

OFFICE OF PETITIONS

In re Application of
Michael Lubell, et al.
Application No. 11/779,645
Filed: July 18, 2007
Attorney Docket No. 1082.002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2010.

The request is **APPROVED**.

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

The request was signed by David R. Higgins on behalf of all attorneys of record who are associated with customer No. 36790. All attorneys/agents associated with the Customer Number 36790 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: L M G MARKETING AND DEVELOPMENT CORPORATION
MICHAEL LUBELL, PRESIDENT
10318 BYRUM WOODS DRIVE
RALEIGH, NC 27613

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/779,645	07/18/2007	Michael Lubell	1082.002

CONFIRMATION NO. 2585

POWER OF ATTORNEY NOTICE

36790
TILLMAN WRIGHT, PLLC
PO BOX 49309
CHARLOTTE, NC 28277-0076

Date Mailed: 05/10/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/04/2010.

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

/amwise/

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

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United States Patent and Trademark Office
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COPY MAILED

AUG 0 7 2009

OFFICE OF PETITIONS

Richard J. Veltman, Esq.
The Black & Decker Corporation
701 East Joppa Road TW 199
Towson, MD 21286

In re Application of :
Gerald B. Chong et al. :
Application No. 11/779,662 : ON PETITION
Filed: July 18, 2008 :
Attorney Docket No. 6187-03-A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 29, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 4, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time were obtained. Accordingly, the date of abandonment of this application is December 5, 2008. A Notice of Abandonment was mailed on March 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 1.

As to item 1, the amendment filed on April 29, 2009, does not *prima facie* place the application in condition for allowance, therefore the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). See attached courtesy copy of an advisory action.

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

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

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

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

Attachment: Courtesy copy of advisory

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/779,662	**Applicant(s)** CHONG ET AL.	
	Examiner KRISTINA R. FULTON	**Art Unit** 3673	

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

THE REPLY FILED 29 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-14,16-18,20,21*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

/K. R. F./
Examiner, Art Unit 3673

Continuation of 3. NOTE: The new issues include the proposed changes to claims 1 and 12, lines 3-4 and 4, respectively, which now require the plug body to also be in the housing recess.

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TILLMAN WRIGHT, PLLC
PO BOX 49309
CHARLOTTE NC 28277-0076

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APR 2 8 2010

OFFICE OF PETITIONS

In re Application of

LUBELL, Michael et al.
Application No. 11/779,664
Filed: July 18, 2007
Attorney Docket No. **1082.004**

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 04, 2010.

The request is **APPROVED**.

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

The request was signed by David Higgins on behalf of all attorneys of record who are associated with customer No. 36790. All attorneys/agents associated with the Customer Number 36790 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **L M G MARKETING AND DEVELOPMENT CORPORATION**
MICHAEL LUBELL, PRESIDENT
10313 BYRUM WOODS DRIVE
RALEIGH NC 27613

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/779,671	07/18/2007	Hermann HAAGA	100867.59207US	2632

7590 02/23/2010

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

EXAMINER	
CHIN, RANDALL E	

ART UNIT	PAPER NUMBER
3723	

MAIL DATE	DELIVERY MODE
02/23/2010	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

02/24/2010 [illegible]

Adjustment date: 02/24/2010 MFARMER
07/18/2007 INTEFSB 00000000 11779671
02 FC:2111 -250.00 DP

Page 1 of 1

FORM PET651G (Rev. 08/07)

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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.
11/779,686	07/18/2007	Koji Ishiguro	100929.59285US	2660

23911 7590 12/22/2008

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

EXAMINER	
KIM, ROBERT H	

ART UNIT	PAPER NUMBER
2881	

MAIL DATE	DELIVERY MODE
12/22/2008	PAPER

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

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

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INTELLECTUAL PROPERTY GROUP
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WASHINGTON, DC 20044-4300

In re Application of
Koji Ishiguro et al.
Application No.: 11/779,686
Filed: July 18, 2007
Attorney Docket No.: 104349.59285US
For: MANUFACTURING EQUIPMENT USING ION BEAM OR ELECTRON BEAM

: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

: DECISION ON REQUEST TO

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 08 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 above 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

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P.O. BOX 752
CLIFTON PARK NY 12065

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JUL 24 2009

OFFICE OF PETITIONS

In re Application of :
Thomas J. Kryzak :
Application No. 11/779,705 : ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. KRYZ-3789US1 :

This is a decision on the petition under 37 CFR 1.59(b), filed May 24, 2009, to expunge the communication filed by a third party on August 6, 2008.

The petition is **GRANTED.**

Specifically, Petitioner requests that the submission, filed on August 6, 2008, be expunged as it has been submitted by a third party who is neither affiliated with the inventor or Petitioner.

Since this application was the subject of a pre-grant publication (PG Pub) on January 17, 2008 which is prior to the filing of the above-noted documents, the provisions of the statute (35 U.S.C. § 122(c)), the applicable rules (*e.g.*, 37 CFR §§ 1.99, 1.291, and 1.292), and procedures (*e.g.*, MPEP §§ 1134.01, 1901.06) now place stringent limitations on the treatment, or even the retention *vel non* in this file, of any third party submissions that protest, oppose the grant of, or seek to have other information entered and considered in, this application. See also *Third Party Attempts to Protest or Otherwise Oppose the Grant of a Published Application, 1269 Off. Gaz. Pat. Office* 179 (April 22, 2003).

37 CFR 1.99 requires, in pertinent part that:

> (a) A submission by a member of the public of patents or publications relevant to a pending published application may be entered in the application file if the submission complies with the requirements of this section and the application is still pending when the submission and application file are brought before the examiner.
> (c) The submission under this section must be served upon the applicant in accordance with § 1.248.
> (d) A submission under this section shall not include any explanation of the patents or publications, or any other information. The Office will not enter such explanation or

> information if included in a submission under this section. A submission under this section is also limited to ten total patents or publications.
> (e) A submission under this section must be filed within two months from the date of publication of the application (§ 1.215(a)) or prior to the mailing of a notice of allowance (§ 1.311), whichever is earlier. Any submission under this section not filed within this period is permitted only when the patents or publications could not have been submitted to the Office earlier, and must also be accompanied by the processing fee set forth in § 1.17(i). A submission by a member of the public to a pending published application that does not comply with the requirements of this section will not be entered.

As no patents or publications were submitted and as there is no evidence of service of the submission under this section on the applicant in compliance with 37 CFR 1.248 the communication must be removed from this file as failing to comply with 37 CFR 1.99. Furthermore, as the submission is subsequent to the date of publication, it is time barred.

Likewise, even treating the documents in question as a protest, 37 CFR 1.291(b) does not permit retention of the submission/protest in this file record:

> (b) The protest will be entered into the record of the application if, in addition to complying with paragraph (c) of this section, the protest has been served upon the applicant in accordance with § 1.248, or filed with the Office in duplicate in the event service is not possible; and, except for paragraph (b)(1) of this section, the protest was filed prior to the date the application was published under § 1.211, or a notice of allowance under § 1.311 was mailed, whichever occurs first:
>
> (1) If a protest is accompanied by the written consent of the applicant, the protest will be considered if the protest is matched with the application in time to permit review during prosecution.
>
> (2) A statement must accompany a protest that it is the first protest submitted in the application by the real party in interest who is submitting the protest; or the protest must comply with paragraph (c)(5) of this section. This section does not apply to the first protest filed in an application.

Here, the protest was filed subsequent to publication and lacks any indication of service.

Given the total lack of compliance with either of the two regulations (37 CFR §§ 1.99 and 1.291) governing third party submissions of information in a published application or allowed application, the documents submitted by the third party on August 6, 2008 cannot be permitted to remain in the file. The documents filed by the third party on August 6, 2008 are being closed to public inspection which is the Image File Wrapper (IFW) equivalent of expungement from a paper file.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

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TECHNOLOGY CENTER 2600

FOGG & POWERS LLC
10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS, MN 55402

In re Application of:
GEILE, MICHAEL J., et al.
Serial No.: 11/779,715
Filed: July 18, 2007

Title: **SYSTEM FOR MULTIPLE USE SUBCHANNELS**

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 July 18, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The 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: 370/203, 208, 522 and 525.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a "detailed explanation of how ***each of the claims*** are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c)" (emphasis added). Petitioner does not provide a detailed explanation of patentability of all claims (including the dependent claims) with respect to each reference and if claims do not stand or fall together, how each claim (including the dependent claims) is patentably distinct over the cited prior art in combination with the other cited references. Since petitioner has only argued the patentability of the broadest, independent claims and no separate reasons for patentability are argued in regard to any of the dependent claims, it is presumed that petitioner believes that all claims stand or fall together. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to ***each of the claims*** as set forth in item 6.3 above.

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; 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 Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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10 SOUTH FIFTH STREET
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MINNEAPOLIS MN 55402

In re Application of:
GEILE, MICHAEL J., et al.
Serial No.: 11/779,715
Filed: July 18, 2007

Title: **SYSTEM FOR MULTIPLE USE SUBCHANNELS**

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 September 6, 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 August 8, 2007 have been met.

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral

election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

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

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. 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

GARDNER GROFF GREENWALD & VILLANUEVA. PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA GA 30339

COPY MAILED
JAN 07 2009

Applicant: Cooper
Appl. No.: 11/779,747
Filing Date: July 18, 2007
Title: COMMUNICATION SYSTEM FOR HAZARDOUS ENVIRONMENTS
Attorney Docket No.: 2W12-1-021
Pub. No.: US 2008-0024934-A1
Pub. Date: January 31, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 28, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the drawings wherein some of the lines do not appear in the published drawings.

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

The errors noted by requestor in the drawings are not material Office errors under 37 CFR 1.221. The lines were not printed correctly due to the quality of the drawings and lines in the drawings. The errors noted by requestor in this published application are due to the quality of the drawings, as the lines are very faint. The quality of some of the lines is poor, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the drawing. Applicants have been advised to file applications having cleaner text with sufficient clarity and contrast to permit reproduction, such as electronic

[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).

reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

The replacement drawings filed by Applicant with this request are not appropriate under 37 CFR 1.221(b).

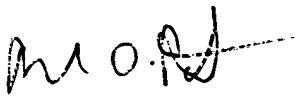
It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

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

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



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

DATE 8-21-07 APPLICATION NUMBER 11/779,777

DOC CODE pet Dec Tr DOC DATE 8/22/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

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AUG 2 2 2007

OFFICE OF PETITIONS

Grigoriy Bakmadzhyan
8142 Rhodes Street
North Hollywood, CA 91605

In re Application of :
Grigoriy Bakmadzhyan et al. :
Application No. 11/779,777 : DECISION ON PETITION
Filed: July 18, 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 July 18, 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 photocopy of applicant's State ID card and passport. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

Frances Hicks
Petitions Examiner
Office of Petitions

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AUG 22 2007

OFFICE OF PETITIONS

Grigoriy Bakmadzhyan
8142 Rhodes Street
North Hollywood, CA 91605

In re Application of

Grigoriy Bakmadzhyan et al.
Application No. 11/779,777
Filed: July 18, 2007
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 18, 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 photocopy of applicant's State ID card and passport. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

Frances Hicks
Petitions Examiner
Office of Petitions

The Secretary of State of the United States of America hereby requests all whom it may concern to permit the citizen/national of the United States named herein to pass without delay or hindrance and in case of need to give all lawful aid and protection.

Le Secrétaire d'Etat des Etats-Unis d'Amérique prie par les présentes toutes autorités compétentes de laisser passer le citoyen ou ressortissant des Etats-Unis titulaire du présent passeport, sans délai ni difficulté et, en cas de besoin, de lui accorder toute aide et protection légitimes.

El Secretario de Estado de los Estados Unidos de América por el presente solicita a las autoridades competentes permitir el paso del ciudadano o nacional de los Estados Unidos aquí nombrado, sin demora ni dificultades, y en caso de necesidad, prestarle toda la ayuda y protección lícitas.

TAKUI TERNAKALYAN

SIGNATURE OF BEARER/SIGNATURE DU TITULAIRE/FIRMA DEL TITULAR

NOT VALID UNTIL SIGNED

PASSPORT
PASSEPORT
PASAPORTE

USA

UNITED STATES OF AMERICA

Type/Type/Tipo: P — Code/Code/Código: USA — Passport No./No. du Passeport/No. de Pasaporte: 038169009

Surname/Nom/Apellidos: TERNAKALYAN

Given names/Prénoms/Nombres: TAKUI

Nationality/Nationalité/Nacionalidad: UNITED STATES OF AMERICA

Date of birth/Date de naissance/Fecha de nacimiento: 10 Aug 1940

Sex/Sexe/Sexo: F — Place of birth/Lieu de naissance/Lugar de nacimiento: LEBANON

Date of issue/Date de délivrance/Fecha de expedición: 18 Jun 2002 — Authority/Autorité/Autoridad: Los Angeles Passport Agency

Date of expiration/Date d'expiration/Fecha de caducidad: 17 Jun 2012

Amendments/Modifications/Enmiendas: See Page 24

P<USATERNAKALYAN<<TAKUI<<<<<<<<<<<<<<<<<<<<<<

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DMV **CALIFORNIA** DMV

SENIOR CITIZEN IDENTIFICATION CARD

EXPIRES 08-10-13

A3708286

TAKUI TERNAKALYAN
4420 PRICE ST APT 2
LOS ANGELES CA 90027

SEX:F HAIR:BRN
HT:5-05 WT:150

DOB:08-10-40

TAKUI TERNAKALYAN

04/06/2004 510 06 FD/13

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GRIGORIY BAKMADZHYAN
8142 RHODES STREET
NORTH HOLLYWOOD CA 91605

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JUN 20 2008

In re Application of :
Grigoriy BAKMADZHYAN et al. :
Application No. 11/779,777 : DECISION ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 06, 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 July 30, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 01, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of drawings, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of July 30, 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

OIPE
MAY 06 2008
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GRIGORIY BAKMADZHYAN

Serial Number: 11/779,777 Examiner: not yet assigned

Filed: July 18, 2007 Art Unit: not yet assigned

Title: TOILET APPARATUS PROVIDING A USER WITH A PHYSIOLOGICALLY NATURAL POSITION DURING BOWEL MOVEMENT

Certificate of Mailing pursuant to 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Services and addressed to Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 6, 2008

By:_____
Grigoriy Bakmadzhyan

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In reply to Notice to File Corrected Application Papers dated July 30, 2007 ("Notice"), Applicant herewith submits Replacement Drawing Sheets 1 through 5, correcting the deficiencies referred to in the Notice. A copy of the Notice is included herewith. This Reply is being submitted concurrently with a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) and fee payment under 37 CFR 1.11(m). Applicant submits that the application is now complete. Examination of the application is requested.

Respectfully submitted,

Date: May 5, 2008

Grigoriy Bakmadzhyan

OIPE
MAY 06 2008
PATENT & TRADEMARK OFFICE

05.08.08

DITC

PTO/SB/64 (01-08)
Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

First named inventor: GRIGORIY BAKMADZHYAN

Application No.: 11/779,777 Art Unit:

Filed: 07/18/2007 Examiner:

Title: TOILET APPARATUS PROVIDING A USER WITH A PHYSIOLOGICALLY NATURAL POSITION DURING BOWEL MOVEMENT

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1.Petition fee

☑ Small entity-fee $ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

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

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of REPLACEMENT DRAWINGS (5 SHEETS) (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

05/09/2008 HNGUYEN1 00000004 11779777
01 FC:2453 770.00 OP

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

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

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

3. Terminal disclaimer with disclaimer fee

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

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

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

WARNING:

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

Signature	May 5, 2008 Date
GRIGORIY BAKMADZHYAN Typed or printed name	Registration Number, if applicable
8142 RHODES STREET Address	818-859-0177 Telephone Number
NORTH HOLLYWOOD, CA 91605 Address	

Enclosures: ☑ Fee Payment

☑ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☑ Other: COPY OF NOTICE OF ABANDONMENT DATED 4/10/08

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.

MAY 6, 2008 Date	Signature GRIGORIY BAKMADZHYAN Typed or printed name of person signing certificate

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11779777 Total Records Found: 4

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/09/2008	00000006	1	2453	$770.00	05/06/2008	CC
07/19/2007	00004390	4	4011	$75.00	07/18/2007	CC
07/19/2007	00004391	4	2111	$250.00	07/18/2007	CC
07/19/2007	00004392	4	2311	$100.00	07/18/2007	CC

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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GREENBERG TRAURIG
3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS, NV 89169

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Keith R. Brower, et al.	:	
Application No. 11/779,780	:	DECISION ON PETITION
Filed: July 18, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 088509.000009	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 18, 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 Burt Dole. 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 3744 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
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Alexandria, VA 22313-1450
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Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins CO 80525

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In re Application of:	:	
Takada et al.	:	DECISION GRANTING
Application No. 11/779789	:	PETITION UNDER
Filing or 371(c) Date: 07/18/2007	:	37 CFR 1.47(a)
Title of Invention:	:	
SURFACE LUMINOUS BODY	:	

This Decision is in response to the "Petition Under 37 CFR 1.47," filed October 16, 2008. The petition is properly treated under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See, MPEP 409.03.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Masaru Hashimoto, refuses to join in the application.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. MASARU HASHIMOTO
NIHON KOHAN
11-26 NAGAYAMA-CHO
ASAHIKAWA-SHI, HOKKAIDO
JAPAN 079-8431

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NOV 2 1 2008

In re Application of:
Takada et al.
Application No. 11/779789
Filing or 371(c) Date: 07/18/2007
Title of Invention:
SURFACE LUMINOUS BODY

LETTER

Dear Mr. Hashimoto :

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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

CC: Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins CO 80525

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins CO 80525

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NOV 21 2008

In re Application of:	:	
Takada et al.	:	DECISION ON
Application No. 11/779789	:	PETITION
Filing or 371(c) Date: 07/18/2007	:	
Title of Invention:	:	
SURFACE LUMINOUS BODY	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed October 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 August 2, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed responses to the Notice on March 3, 2008; however, the responses were incomplete. Applicant was so notified in Notices of Incomplete Reply, mailed March 13, 2008. No complete and proper response having been received, the application became abandoned October 3, 2007. A Notice of Abandonment was mailed May 21, 2008.

Applicant files the present petition, and response to the Notice, to wit – a grantable petition under 37 CFR 1.47(a), a Decision on which is mailed on even date herewith.. 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 for processing of the reply to the Notice, and the Decision granting rule 47 status in the application, in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MIKE POWELL
1711 BARRIE ROAD
VICTORIA BC V8N 2W4 CA CANADA

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MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Eric John Davies, et al. :
Application No. 11/779,791 : DECISION ON PETITION
Filed: July 18, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1079 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 18, 2008 and Supplemented on March 19, 2008, to make the above-identified application special based on assignee's health and age as set forth in M.P.E.P. § 708.02, Section III.

The petitions are **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 cannot be filed on behalf of the assignee. Petitions to make special can only be file on behalf of the applicant. See 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III.

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 2161 for action in its regular turn.

April M. Wise
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.
11/779,800	07/18/2007	Yoshihito Fukuoka	FS.20418US0A	2881

7590 04/29/2009

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

EXAMINER	
SICONOLFI, ROBERT	

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
04/29/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 04/28/2009 BPOWELL
07/19/2007 INTEFSW 00002869 11779800
02 FC:1111 -500.00 OP

Adjustment date: 04/28/2009 BPOWELL
07/19/2007 INTEFSW 00002869 11779800
02 FC:1111 -500.00 OP

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PFIZER INC
10555 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121

MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of:	:	
Guan et al.	:	LETTER REGARDING
Application No. 11/779807	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 07/18/2007	:	
Atty. Docket No. PC23544D	:	

This letter is in response to "APPLICANT"S REMARKS REGARDING PATENT TERM ADJUSTMENT," filed May 21, 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 101 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Determination of Patent Term Adjustment mailed February 24, 2009 indicated that the above-identified application was entitled to a PTA of 108 days. Applicants indicate that the adjustment of 108 days may extend the term of the patent by too many days.

The adjustment of 108 days is not in dispute.

The Office errantly neglected to assess a reduction in accordance with 37 CFR 1.704(b) in connection with the reply filed November 9, 2007. The reduction commenced November 3, 2007, the day after the date that is three months after the date that the notice to File Missing Parts of Nonprovisional Application was mailed, and ended November 9, 2007, the date that the reply thereto was filed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **101 days**, (108 days of PTO delay, reduced by 7 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 Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Updated PAIR Screen

Day : Monday
Date: 7/13/2009

PALM INTRANET

Time: 15:02:13

PTA Calculations for Application: 11/779807			
Application Filing Date:	07/18/2007	PTO Delay (PTO):	108
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	101
PTO Delay Adjustment:	-7		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
37	07/13/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		7	
30	02/24/2009	MAIL NOTICE OF ALLOWANCE	108		23
29	02/18/2009	ISSUE REVISION COMPLETED			
28	02/18/2009	DOCUMENT VERIFICATION			
27	02/12/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
26	02/12/2009	CASE DOCKETED TO EXAMINER IN GAU			
25	02/12/2009	NOTICE OF ALLOWABILITY			
24	02/06/2009	DATE FORWARDED TO EXAMINER			
23	07/08/2008	RESPONSE AFTER NON-FINAL ACTION			
22	08/11/2008	PARALEGAL TD ACCEPTED			
21	04/09/2008	MAIL NON-FINAL REJECTION			
20	04/08/2008	NON-FINAL REJECTION			
19	09/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
16	03/19/2008	CASE DOCKETED TO EXAMINER IN GAU			
15	03/19/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	09/19/2007	REFERENCE CAPTURE ON IDS			
13	09/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	02/21/2008	PG-PUB ISSUE NOTIFICATION			
11	11/29/2007	APPLICATION DISPATCHED FROM OIPE			
10	11/19/2007	SENT TO CLASSIFICATION CONTRACTOR			
9	11/19/2007	FILING RECEIPT - UPDATED			
8	11/09/2007	ADDITIONAL APPLICATION FILING FEES			
		A STATEMENT BY ONE OR MORE INVENTORS			

7	11/09/2007	SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	09/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	08/02/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	07/20/2007	CLEARED BY OIPE CSR			
3	07/20/2007	CASE CLASSIFIED BY OIPE			
2	07/19/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/18/2007	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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SAN DIEGO CA 92101-7910

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OCT 27 2008

OFFICE OF PETITIONS

In re Application of :
Markus Johannes Lenger, et al. :
Application No. 11/779,841 : DECISION ON PETITION
Filed: July 18, 2007 : TO WITHDRAW
Attorney Docket No. 105314-00005 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 20, 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, "we will no longer be handling prosecution of this patent application", does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: HYDROLOGIX SYSTEMS, LLC
C/O MARKUS J. LENGER
27992 CAMINO CAPISTRANO
UNIT F
LAGUANA NIGUEL, CA 92688

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401 WEST "A" STREET
SAN DIEGO CA 92101-7910

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Markus Johannes Lenger, et al.	:	
Application No. 11/779,841	:	DECISION ON PETITION
Filed: July 18, 2007	:	TO WITHDRAW
Attorney Docket No. 105314-00005	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 5, 2008.

The request is **NOT APPROVED**.

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

The 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) deliver 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.

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

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

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

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

cc: HYDROLOGIX SYSTEMS, LLC
C/O MARKUS J. LENGER
27992 CAMINO CAPISTRANO
UNIT F
LAGUANA NIGUEL, CA 92688

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MAR 26 2009

OFFICE OF PETITIONS

In re Application of :
Markus Johannes Lenger, et al. :
Application No. 11/779,841 : DECISION ON PETITION
Filed: July 18, 2007 : TO WITHDRAW
Attorney Docket No. 105314-00005 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 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 Charles Reidelbach on behalf of all attorneys of record who are associated with customer No. 26511. All attorneys/agents associated with the Customer Number 26511 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

There is an outstanding Office action mailed February 10, 2009 that requires a reply from the applicant.

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

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

cc: MARKUS JOHANNES LENGER
28101 KLAMATH COURT
LAGUNA NIGUEL, CA 92677

cc: HYDROLIGIX SYSTEMS, LLC
C/O MARKUS J. LENGER
28101 KLAMATH COURT
LAGUNA NIGUEL, CA 92677-7018

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
11/779,841	07/18/2007	Markus Johannes Lenger	105314-00005

CONFIRMATION NO. 2944

POWER OF ATTORNEY NOTICE

26511
HIGGS, FLETCHER & MACK LLP
2600 FIRST NATIONAL BANK BUILDING
401 WEST "A" STREET
SAN DIEGO, CA 92101-7910

Date Mailed: 03/24/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/17/2009.

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

/amwise/

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

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Fuel Transfer Technologies, Inc.
P.O. Box 23014
Monoton, NB E1A 6S8
CANADA

COPY MAILED

SEP 3 0 2008

OFFICE OF PETITIONS

In re Application of :
Mark Bonner :
Application No. 11/779,881 : DECISION ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. 010-JW-28-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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 August 2, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 3, 2007. A Notice of Abandonment was mailed on April 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $115 filing fee, $255 search fee, $105 examination fee, $15 surcharge fee, $130 filing of pages in excess of 100 pages and $3,425 excess claim fee, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

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 July 21, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

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Fuel Transfer Technologies Inc.
P.O. Box 23014
Monoton NB E1A 6S8 CA CANADA

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Mark Bonner :
Application No. 11/779,881 : CORRECTED DECISION ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. 010 JW-28-US :

This is a corrected decision on the Petition under 37 CFR 1.137(b) filed June 26, 2008, to revive the above identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 2, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 3, 2007. A Notice of Abandonment was mailed on April 15, 2008.

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

The statement of unintentional delay is not considered at this time to be a properly submitted statement. In this regard, the petition containing the statement of unintentional delay is signed by James Wedderburn, who is stated to be the President of Fuel Transfer Technologies Inc. Petitioner's attention is directed to 37 CFR 1.33(b), which states.

> *Amendments and other papers*. 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.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered.

Therefore, as the petition containing the statement of unintentional delay is not signed by the inventor and the record herein fails to disclose that petitioner herein (Mr. Wedderburn) was ever given a power of attorney to act on behalf of the other inventors, **or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b)**, the petition is considered to not contain a proper statement of unintentional delay. As it appears that Mr. Wedderburn is signing on behalf of an assignee, compliance with 37 CFR 3.73(b) must be satisfied. In this regard, 37 CFR 3.73(b) provides:

> (1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:
>
> (i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment * * * For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or
>
> (ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or

(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, *e.g.*, an officer of the assignee.

(c) For patent matters only:

(1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.

(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

In view of the above, and as it appears that Mr. Wedderburn is signing the statement of unintentional delay as an assignee, then compliance with 37 CFR 3.73(b) must be satisfied. A blank certificate under 37 CFR 3.73(b) is enclosed with this decision for petitioner's convenience.

In sum, petitioner must submit a petition containing a statement of unintentional delay and reply (amendment) signed by all the inventors, **unless** petitioner herein is the assignee of the entire right, title and interest in the instant application, then compliance with 37 CFR 3.73(b) must be satisfied, which can be accomplished by completion of the enclosed certificate under 37 CFR 3.73(b).

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

By mail:
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Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax:
(703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

Enclosure: Certificate under 37 CFR 3.73(b) and Privacy Act Statement

PTO/SB/96 (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.

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.

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

Fuel Transfer Technologies Inc.
P.O. Box 23014
Monoton NB E1A 6S8 CA CANADA

MAILED

APR 0 9 2009

OFFICE OF PETITIONS

In re Application of :
Mark Bonner :
Application No. 11/779,881 : ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. 010 JW-28-US :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 2, 2007, which set a period for reply of two (2) months. No extension of time was obtained under 37 CFR1.136(a). Accordingly, by operation of law, the above-identified application became abandoned on October 3, 2007.

The petition decision mailed March 3, 2009, dismissed the petition under 37 CFR 1.137(b) filed June 26, 2008 for failure to provide a proper statement of unintentional delay under 37 CFR 1.137(b)(3).

The instant renewed petition includes a proper statement of unintentional delay.

The renewed 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 complete response to the Notice: (2) the petition fee of $770; and (3) the required statement of unintentional delay have been received. Accordingly, the response 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 Technology Center Art Unit 3746 for appropriate action on the merits.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAMES WEDDERBURN
FUEL TRANSFER TECHNOLOGIES INC.
P.O. BOX 23014
MONCTON, NB E1A 6S8
CANADA

COPY MAILED

AUG 21 2008

OFFICE OF PETITIONS

In re Application of :
Bonner, Mark :
Application No. 11/779,882 : ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. 010.JW-35-US :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 21, 2008 and supplemented on July 24, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks none of the above items. However, it appears the instant petition is on the behalf of the assignee, and therefore, does not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the

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

[2] See MPEP 711.03(c)(III)(C) and (D).

assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A 37 CFR 3.73(b) statement is enclosed.

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

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

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure : PTO/SB/96

PTO/SB/96 (08-08)
Approved for use through 08/31/2008. 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.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

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

Entitled:

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

states that it is:

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

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

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

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

OR

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

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

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

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

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

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

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

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

_____ _____
Signature Date

_____ _____
Printed or Typed Name Telephone Number

_____
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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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P.O. BOX 23014
MONCTON NB E1A 6S8 CA CANADA

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APR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Bonner, Mark	:	
Application No. 11/779,882	:	ON PETITION
Filed: July 18, 2007	:	
Attorney Docket No. 010 JW-35-US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied a Statement under 37 CFR 3.73(b).

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

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3751 for examination in due course.

Liana Walsh
Petitions Examiner
Office of Petitions

DATE: 9/4/07 APPLICATION NUMBER: 11/779,893

DOC CODE: PET.SPRE.ACX DOC DATE: _____

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC SCANNIG CENETER

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

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

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FROM DIRECTOR'S OFFICE

SEP 04 2007

TECHNOLOGY CENTER 3600

Klony Lieberman
Lumio Inc.
5 Nahum Hefzadi St.
Jersulaem, Israel 95484

In re application of
Klony Lieberman
Application No. 11/779,893
Filed: July 19, 2007
For: ENHANCED TRIANGULATION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on July 19, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The petition fails to comply with conditions II.5, II.5.2, II.6.3 and II.6.5, above.

As to condition II.5, it is noted that in this petition the Examination Search Document and the Support Document both lack a signature. Although the petition itself has a signature, the above documents have unsigned signature boxes that would indicate that these are to be separately signed. Since the Examination Search Document includes a statement that the search was made in good faith, and since this statement is critical in case there is some situation in which the application may need to be referred to Office of Enrollment and Discipline (OED), a separate signature is seen as being needed.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the areas already searched, the search needs to include a search of 345/179; 175/18.01, 18.09; 356/139.04, 141.5, and 623. Furthermore, it is noted that the classification 356/4 indicated as being searched by the applicant does not appear to exist. A correction or explanation is needed.

With respect to the text search of the US Patents database, the search logic in the petition appears to lack the incorporation of terms that would constitute "the broadest reasonable interpretation" of the claimed subject matter as is required. The text search appears to be too narrow to encompass the broadest reasonable interpretation of the claimed invention. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: http://www.uspto.gov/web/patents/accelerated/. Furthermore, a sample of search logic to be used in this application is provided below:

L1	(triangulation$2 same (pointer$2 mouse$2 stylus$2)).ab.
L2	(triangulation$2 same (imaging$2 images$2))
L3	((calculat$5 comput$5 determin$5 measur$5) same (coordinate$2 angle$2 anglular$2 position$2 location$2) same (ratio$2))
L4	L2 and L3
L5	((improv$5 enhanc$5) near10 (triangulation$2))
L6	L2 and L5
L7	L4 and L5
L8	((two$2 multiple$2 "at least two$2" two$2 plural$2) same (imaging$2 camera$2 optical$2) same (sensor$2 unit$2 device$2 detector$2 receiv$5))
L9	L2 and L8
L10	((two$2 multiple$2 "at least two$2" two$2 plural$2) same (imaging$2 camera$2 optical$2) same (sensor$2 unit$2 device$2 detector$2 receiv$5)).ab.
L11	L2 and L10
L12	(ratio$2 near5 (angle$2 distance$2))
L13	L12 and L2

This sample search logic is not meant to be the sole search logic that can or should be employed in this application, but is meant solely as an example of a starting off point for applicant's assistance. The foreign patent file databases searched are adequate, however the same text logic deficiency as outlined above appears to be present.

There appears to have been no Non-Patent Literature (NPL) search outlined in the Search Document. An NPL search is required as well. The USPTO website has search templates that are broken down by class and subclass classification and provides a listing of the websites to be searched when dealing with claimed subject matter in those classifications at: http://www.uspto.gov/web/patents/searchtemplates/searchtemplates.htm.
The sample search logic provided above can also apply to searching the NPL databases.

Finally, the indication in the Support Document that Claims 6-7 and 13-14 disclose limitations "not found in any of the prior art" exposes additional evidence of the search not encompassing the claimed invention. The above claims, for example, appear to contain limitations that are quite common as merely identifying coordinates of an object relative to a known area or space, and it strains credulity to assert that nowhere in the prior art are located these additional claimed limitations. It appears that the search may have been completed on the concept of the disclosed invention rather than the "claimed invention " as is required.

As to condition II.6.3, in the Detailed Explanation of Patentability limitations are recited that are indicated as patentable distinctions, however, many of those same limitations are also indicated in the Support Document as being taught by the prior art. It is not clear why these limitations are considered patentable distinctions when they are apparently taught by the prior art found by the applicant.

There is also not a satisfactory detailed explanation of claim patentability over each of the references. The explanation needs to specify how each of the claims (not just the independent claims) are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. Also, when explaining that a limitation is not taught by the prior art it should be made clear which specific portion of the limitation is not taught or make it clear that no part of the limitation is taught by any of the references.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at:
http://www.uspto.gov/web/patents/accelerated/.

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation (including dependent claims) the Support Document needs to identify, preferably by specific passages, or at the very least a single paragraph where each limitation has support. Listing broadly a number of paragraphs does not comply with what is required. Also, similarly, every claimed limitation must be specifically shown where support exists in the provisional application so that the examiner can determine an effective filing date for each claim.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 9/1/07

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Alexandria, VA 22313-1450
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NOV 0 5 2007

TECHNOLOGY CENTER 3600

Klony Lieberman
Lumio Inc.
5 Nahum Hefzadi St.
Jersulaem, Israel 95484

In re application of
Klony Lieberman
Application No. 11/779,893
Filed: July 19, 2007
For: ENHANCED TRIANGULATION

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on October 2, 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**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on July 19, 2007. That petition was dismissed in a decision mailed September 4, 2007 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal were unsigned documents, inadequate search and an inadequate Support Document.

With regard to the unsigned documents, the Search document and the Support document both contain acceptable electronic signatures.

Concerning the Search Document, the classification search was indicated in the dismissal as unacceptable, and a listing of the required classifications to be searched was provided. Class 356/ subclass 141.5; and class 175/ subclasses 18.01 and 18.09 were not searched. With respect to the text search of the US Patents database, the petition lacked sufficiently specific search logic. The text search provided in the renewed petition remains deficient. The suggested search logic was not used. While it is not required to use suggested search logic, the search must be broad enough to cover the broadest reasonable interpretation of the claimed invention. The new text search logic is limited by a collection of classes and subclasses, thereby making the search too limited. The renewed petition includes a Non-patent literature (NPL) search,

but includes only 2 of 17 databases suggested in the Office's search template without any explanation of why more were not searched.

In the earlier dismissal, it was indicated that "Claims 6-7 and 13-14...appear to contain limitations that are quite common as merely identifying coordinates of an object relative to a known area or space, and it strains credulity to assert that nowhere in the prior art are located these additional claimed limitations. It appears that the search may have been completed on the concept of the disclosed invention rather than the "claimed invention" as is required". It is noted that what is considered a clearly well-known triangulation technique that identifies the coordinates of an object relative to a known area or space by those skilled in the art, remains untaught by any references. And as a result, the inference that the claimed invention has not been adequately searched remains.

As to the Support Document, there was not an adequate listing of all the limitations in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations are disclosed in each of the references. The renewed petition includes a Supplement to the Support Document that satisfactorily provides an indication of claim limitiations disclosed by the references and their locations. Also, previously deficient was the showing of support under 35 USC 112, 1st paragraph since each specific limitation of each claim was not shown to be supported by it's specific existence in the specification and the provisional application. The support in both the specification and the provisional application has now been provided.

However, in the petition decision of September 4, 2007, it was pointed out that condition II.6.3 was not met because it was not specified "whether the dependent claims are separately patentable **beyond the limitations contained in the independent claims, and if so how,** or a statement made that the dependent claims are not separately patentable". In the Supplement to the Support Document some of the dependent claims (i.e. 3-4 & 10-11), are indicated that their limitations in combination with the limitations of the independent claims are considered to be patentably distinguished from the prior art. This is not sufficient. Clearly what was required was an indication of whether the dependent claims were separately patentable independent of the claims upon which they depend. In other words, if the claims upon which they are dependent were found to be not patentable, what specific limitation(s) would make the various dependent claims patentably distinct on their own, or a statement that they would not be. This has not been provided.

For the above stated reason, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the original 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 Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

Steven N. Meyers
Quality Assurance Specialist
Technology Center 3600

snm/snm 11/4/07

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

Mail Date: 04/21/2010

Applicant	: Mayuka Oosaki	: DECISION ON REQUEST FOR
Patent Number	: 7605364	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/779,899	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **45** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

AUG 14 2009

OFFICE OF PETITIONS

In re Application of :
Guilloux, Cyril :
Application No. 11/779,908 :
Filed: July 19, 2007 :
Attorney Docket No. 08641-049001 / 22916US ES :

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 18, 2009.

The request is **APPROVED**.

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

The request was signed by Marc M. Wefers on behalf of all practitioners of record. Marc M. Wefers and all practitioners of record have been withdrawn.

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

The correspondence address remains unchanged.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Laurence Hamid :
Application No. 11/779,930 : DECISION ON PETITION
Filed: July 19, 2007 : TO WITHDRAW
Attorney Docket No. PH-0782 : 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 11, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Woodcock Washburn, LLP has been revoked by the assignee of the patent application on June 12, 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: PERKINS COIE
1201 THIRD AVENUE
SUITE 4800
SEATTLE, WA 98101

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.
11/779,961	07/19/2007	Bum-Joon KIM	PNK-0436	3167

7590 05/14/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
05/14/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 05/13/2009 NFARMER
07/19/2007 INTEFSW 00004866 061130 11779961
02 FC:1111 500.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/779,980	07/19/2007	Brad Michael Diedrich	MI07020	3216

45171 7590 08/09/2007

KEITH L. JENKINS
2222 NORTH MCQUEEN ROAD #2069
CHANDLER, AZ 85225

EXAMINER	
LUKS, JEREMY AUSTIN	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
08/09/2007	PAPER

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

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

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KEITH L. JENKINS
2222 NORTH MCQUEEN ROAD #2069
CHANDLER AZ 85225

AUG - 9 2007

In re Application of:	:	
Brad Michael Diedrich et al.	:	DECISION ON PETITION TO
Serial No.: 11/779,980	:	MAKE SPECIAL FOR NEW
Filed: July 19, 2007	:	APPLICATION UNDER 37
Docket No.: MI07020	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: SQUARE SPEAKER	:	

This is a decision on the petition filed on July 19, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323). It is noted that English translations of the foreign publications cited in the IDS were not provided. However, based on the nature of the invention being claimed, the relevant disclosures of the foreign publications can be readily ascertained from the drawings and from their discussions in the accelerated examination support document.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

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

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Law Offices of J.F. Lee
17800 Castleton Street
Suite 383
City of Industry, CA 91748

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Cheng Jin	:	
Application No. 11/780,004	:	DECISION ON PETITION
Filed: July 19, 2007	:	
Attorney Docket No. 63041	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 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 January 5, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 6, 2009. A Notice of Abandonment was mailed on August 6, 2009.

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

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

This application is being referred to Technology Center AU 1655 for appropriate action by the Examiner in the normal course of business on the reply received August 20, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Shirley N. Cheng	: DECISION ON REQUEST FOR
Patent Number	: 7642953	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/780,134	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **158** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND IN 46601

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NOV 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Ludwick :
Application No. 11/780,142 : DECISION ON PETITION
Filed: July 19, 2007 : UNDER 37 C.F.R. § 1.137(f)
Attorney Docket No. 1125-002 :
Title: EXPANDABLE MOTOR HOME :

This is a decision on the petition filed on September 11, 2009, pursuant to 37 C.F.R. § 1.137(f), to revive the above-identified application.

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

(1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication[1];
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
(3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Petitioner states that the present nonprovisional application is the subject of an application filed in either a foreign or an international application on July 17, 2008. However, the United States Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing

1 See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded here: http://www.uspto.gov/web/forms/index.html.

of the subject application in either an international application or a foreign country.

On September 11, 2009, a Notice of Rescission of Nonpublication Request was filed with the present petition.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 1.22(b)(2)(B)(iii) and 37 C.F.R. § 1.213(c) for failure to timely notify the Office of the filing of either a foreign application or an application under a multilateral international agreement that requires publication of applications 18 months after filing.

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

Petitioner has submitted the notification of either a foreign or an international filing, paid the petition fee, and has made the proper statement of unintentional delay.

The present petition has been found to be in compliance with 37 C.F.R. § 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 C.F.R. § 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), filed with the original application papers, has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 11, 2010 accompanies this decision on petition.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

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

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. 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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/780,142	07/19/2007	Eric Ludwick	1125-002

CONFIRMATION NO. 3495

31179
BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND, IN 46601

NONPUBLICATION RESCISSION LETTER

Date Mailed: 11/02/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/11/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/pashanoski/

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

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MAIL

AUG 22 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LEVISOHN, BERGER , LLP
61 BROADWAY , 32ND FLOOR
NEW YORK NY 10022

In re Application of:
Eric AMERES, et al.
Serial No.: 11/780,174
Filed: July 19, 2007

Title: **METHOD OF IMPROVED IMAGE/VIDEO COMPRESSION VIA DATA RE-ORDERING**

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 July 19, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5. through 5.3, 6.2, 6.3 and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5. through 5.3 above, the preexamination 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: 341/ 59; 345/ 555; 348/ 395.1, 398.1, 421.1; 358/ 426.01- 426.16; 375/ 240.12- 24.16, 240.2, 240.23, 240.24, 240.25, 240.26; 382/ 236, 239, 248-250; and 708/ 203. Furthermore, applicant has failed to include in the preexamination search document any of the search logic that was used as a query in the search(es) that were conducted and has also failed to provide the date(s) of the search(es), as required in item 5.

Regarding the requirement in item 6.2 above, petitioner has only provided an identification of where some of the limitations in independent claim 1 is disclosed in the three cited references. However, the requirement states that applicant must identify where each limitation of each claim finds support in each of the cited references. Since no statement has been made in regard to any of claims If any of the claimed limitations of claims 2-20 can be found in any of the cited references (in the Information Disclosure Statement or in any of the additional references cited in the Accelerated Examination Support Document) then applicant ***must*** provide an identification of each and every limitation in the claims that are disclosed by each and every reference specifying where the limitation is disclosed in each cited reference.

Since applicant has only argued the patentability of the broadest, independent claim 1 and no separate reasons for patentability are argued in regard to dependent claims 2-20, it is presumed that petitioner believes that these dependent claims stand or fall together with the independent claim from which they depend. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to *each of the claims* as set forth in item 6.3 above.

Furthermore, as set forth in item 6.5 above, if the application claims the benefit of one or more applications under title 35, United States Code, the showing ***must*** also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists. The instant application claims support to parent application 10/915,149; however, the Accelerated Examination Support Document fails to set forth this benefit claim and also fails to show where each limitation of each claim finds support in the parent application as required.

Furthrmore, 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; a new Information Disclosure Statement should be filed to cite any newly found prior art and/or to cite any of the art cited in the Preexamination Search Document

which is now deemed to be most closely related, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and /or cited prior art in accordance with all of items 6 through 6.6 above; as well as the necessary updated discussion of patentability for each of the dependent claims (or a statement that claims stand or fall together) as set forth above.

Furthermore, it is noted that the Accelerated Examination Support Document only discusses three cited prior art references which were submitted on an Information Disclosure Statement filed with the instant petition, whereas the Preexamination Search Document included a listing of 15 references which were noted during the search. Clarification is required.

The PTO requires that "If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR 1.97 and 1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR 10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD."

Therefore, an y request for reconsideration must provide a separate IDS for any references not discussed in the Accelerated Examination Support Document or in the Supplemental Acclerated Examination Support Document, as discussed above. .See also "Frequently Asked Questions" on the USPTO link for additional guidance in this regard.: http://www.uspto.gov/web/patents/accelerated/ae_faq.htm

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/

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/780,207	07/19/2007	Jochiku Muraoka	112857-1123	3597

7590 09/15/2009

K&L Gates LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
09/15/2009	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: 09/14/2009 NFARMER
07/20/2007 INTEFSU 00001219 021818 11780207
02 FC:1111 500.00 CR
04 FC:1201 400.00 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

Beck & Thomas, P.C.
SUITE 100
1575 McFARLAND ROAD
PITTSBURGH PA 15216-1808

COPY MAILED

DEC 10 2007

OFFICE OF PETITIONS

In re Application of	:
Carlson, et al.	: DECISION REFUSING STATUS
Application No. 11/780,224	: UNDER 37 CFR 1.47(a)
Filed: July 19, 2007	:
Atty. Dkt. No.: 070023	:
For: SYNERGISTIC MIXTURES OF OPP AND DGH	:

This decision is in response to the petition under 37 CFR 1.47(a) filed October 19, 2007.

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

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 19, 2007 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed August 21, 2007. The Notice required a surcharge and an executed oath or declaration.

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

As to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or

declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners allege that a declaration and power of attorney were mailed to the non-signing inventor on September 20, 2007 and that the package containing said items was returned to sender as unclaimed. Petitioners further assert that telephone messages left for the non-signing inventor on October 17, 2007 were not returned. Petitioners assert that the non-signing inventor has refused to execute the application papers.

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Herein, petitioners have not established that efforts were made to provide a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing at the non-signing inventor's last known address.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition. *See*, MPEP 409.03.

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

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

By facsimile: (571) 273-8300

By hand:

U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Beck & Thomas, P.C.
SUITE 100
1575 McFARLAND ROAD
PITTSBURGH PA 15216-1808

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MAR 21 2008

OFFICE OF PETITIONS

In re Application of :
Carlson, et al. : DECISION ON PETITION
Application No. 11/780,224 :
Filed: July 19, 2007 :
Atty. Dkt. No.: 070023 :
For: SYNERGISTIC MIXTURES OF :
OPP AND DGH :

This decision is in response to the request for reconsideration under 37 CFR 1.47(a) filed January 18, 2008.

The petition is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The petition filed October 19, 2007 identified Paul E. Carlson as a non-signing inventor and sought status under the provisions of 37 CFR 1.47(a). The petition was dismissed December 10, 2007.

Petitioners now state that Mr. Carlson is available to execute the declaration under 37 CFR 1.63 and have presented a declaration signed on page one by Mr. Carlson. It appears that Mr. Carlson has annotated the declaration to state "I do not believe Jodi Martin should be an inventor on this."

Given the fact that the declaration is not properly paginated (i.e., page 1 of 2, page 2 of 2), it cannot be determined if, at the time that Mr. Carlson executed the declaration and made the above-referenced annotation, Mr. Carlson was aware that the entire inventive entity include inventors Nehus and Martin.

Accordingly, it cannot be found that a declaration in accordance with 37 CFR 1.63 has been presented.

Correction is required upon renewed petition in the form of a newly executed oath or declaration executed by all available inventors.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulaney Street Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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www.uspto.gov

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1575 McFARLAND ROAD
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NOV 10 2008

In re Application of :
Carlson, et al. : DECISION ON PETITION
Application No. 11/780,224 :
Filed: July 19, 2007 :
Atty. Dkt. No.: 070023 :
For: SYNERGISTIC MIXTURES OF :
OPP AND DGH :

This decision is in response to the request for reconsideration under 37 CFR 1.47(a) filed May 20, 2008.

The petition is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The petition filed October 19, 2007 identified Paul E. Carlson as a non-signing inventor and sought status under the provisions of 37 CFR 1.47(a). The petition was dismissed December 10, 2007. A response was filed January 18, 2008 and included a declaration executed by Mr. Carlson. The declaration as presented was not properly paginated, i.e., page 1 of 2, page 2 of 2, thus, it could not be determined if, at the time that Mr. Carlson executed the declaration, Mr. Carlson was aware that the entire inventive entity include inventors Nehus and Martin.

Further, the declaration contains annotations from two of the inventors. Thus, question remains as to the agreement of the inventive entity. Thus, it cannot be established that the declaration complies with the requirement of 37 CFR 1.63(a)(4).

Accordingly, as previously required, a newly executed signed by each inventor named in the application, free of annotations, is required.

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

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

By facsimile: (571) 273-8300

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PITTSBURGH PA 15216-1808

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MAR 0 1 2010

OFFICE OF PETITIONS

In re Application of
Carlson, et al.
Application No. 11/780,224
Deposited: July 19, 2007
Attorney Docket No. 070023

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 9, 2009.

The petition is GRANTED.

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application. The last known addresses of the non-signing inventors are deemed to be as set forth in the accompanying declarations. Petitioners are advised to submit the address changes pursuant to the Supplemental Application Data Sheet procedures per 37 CFR 1.76.

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) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

H. Edwin Nehus
3092 McMillian Rd.
Pittsburgh, PA 15205

MAILED

MAR 0 1 2010

OFFICE OF PETITIONS

In re Application of
Carlson, et al.
Application No. 11/780,224
Deposited: July 19, 2007
Attorney Docket No. 070023

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. 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).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: Beck & Thomas, P.C.
SUITE 100
1575 McFARLAND ROAD
PITTSBURGH PA 15216-1808

UNITED STATES 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 E. Carlson
2699 Big Sewickley Creek Rd.
Sewickley, PA 15143

MAILED

MAR 0 1 2010

OFFICE OF PETITIONS

In re Application of
Carlson, et al.
Application No. 11/780,224
Deposited: July 19, 2007
Attorney Docket No. 070023

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. 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).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: Beck & Thomas, P.C.
SUITE 100
1575 McFARLAND ROAD
PITTSBURGH PA 15216-1808

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

Bib Data Sheet

CONFIRMATION NO. 3627

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/780,224	07/19/2007 RULE 1.47	514	1617	070023

APPLICANTS

Paul E. Carlson, Pittsburgh, PA;
H. Edwin Nehus, Pittsburgh, PA;
Jodi L. Martin, Imperial, PA;

**** CONTINUING DATA ***************************

This application is a CIP of 10/345,797 01/16/2003 PAT 7,262,222 which claims benefit of 60/349,636 01/17/2002

**** FOREIGN APPLICATIONS ********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 08/20/2007

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☐ no	PA		8	4
35 USC 119 (a-d) conditions met ☐ yes ☐ no ☐ Met after Allowance				
Verified and Acknowledged Examiner's Signature Initials				

ADDRESS
9961

TITLE

Synergistic Mixtures of OPP and DGH

FILING FEE RECEIVED	FEES: Authority has been given in Paper	
590	No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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

MAHAMEDI PARADICE KREISMAN, LLP
550 WINCHESTER BOULEVARD
SUITE 605
SAN JOSE, CA 95128

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of
Aviv Eyal, et al.
Application No. 11/780,226
Filed: July 19, 2007
Attorney Docket No. FRIS.P704C1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2010.

The request is **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 Zurvan Mahamedi on behalf of all attorneys of record who are associated with customer No. 30544. All attorneys/agents associated with the Customer Number 30554 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 the assignee of the entire interest 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.

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: FRISKIT, INC.
660 FOURTH STREET, #290
SAN FRANCISCO, CA 94107

cc: BLACK, LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

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
11/780,226	07/19/2007	Aviv Eyal	FRIS.P704C1

CONFIRMATION NO. 3630

POWER OF ATTORNEY NOTICE

30554
MAHAMEDI PARADICE KREISMAN LLP
550 Winchester Boulevard
Suite 605
SAN JOSE, CA 95128

Date Mailed: 04/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/08/2010.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Jin-Kwon Chun :
Application No. 11/780,249 : ON PETITION
Filed: July 19, 2007 :
Title: Shutter Structure For Light :
Scanning Unit and Image Forming :
Apparatus Using the Same :

This is a decision on the "Petition To Replace Original Application" filed October 16, 2007. Petitioner states that the incorrect application papers have been included in the above application. Petitioner contends that the specification as filed included 19 pages of specification (including claims and abstract).

The application was filed on July 19, 2007. However, on August 29, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of July 19, 2007 but replacement drawings were required.

In response, the present petition was filed wherein Petitioner contends that the incorrect application papers have been included in the application. Petitioner states they reviewed the application on PAIR and discovered that the application includes 20 pages of specification as opposed to the 19 pages which were electronically filed On July 19, 2007. In support, the petition is accompanied by a copy of applicant's Electronic Acknowledgment Receipt.

Upon review of the record, it is concluded that the incorrect specification has been entered into the application. The Electronic Acknowledgment Receipt shows that the application file size (Bytes) is consistent with petitioner's argument. EFS-Web Team confirmed the number of application.pdf bytes for the specification claims and abstract. A review of the Electronic Acknowledgment Receipt shows that the Office received 19 pages of specification(including claims and abstract)on July 19, 2007.

The Electronic Acknowledgment Receipt lists the files, the number

of pages and the size of each file received by the Office. The Electronic Acknowledgment Receipt serves as an electronic equivalent of the post card receipt described in MPEP 503.

As such, the application papers in the file were mishandled. The copy of the specification (including claims and abstract) titled Shutter Structure For Light Scanning Unit and Image Forming Apparatus Using the Same (19 pages) will be used for processing and examination purposes. The application will retain the filing date of July 19, 2007.

The petition is **Granted** to the extent indicated.

The application will be returned to the Office of Patent Application Processing for further processing with a **filing date of July 19, 2007**, using the papers submitted on July 17, 2007 and the specification (including claims and abstract) submitted on October 16, 2007. The specification, claims and abstract titled "Head Gimbal Assembly and Hard Disk Drive Having the Same" totaling 20 pages should be closed.

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

Charlema R. Grant
Petition 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.
11/780,249	07/19/2007	Jin-kwon CHUN	104-1312	3658

7590 02/18/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
2625	
MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 02/19/2009 NFARMER
07/20/2007 INTEFSW 00001516 502827 11780249
02 FC:1111 500.00 CR
04 FC:1202 50.00 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

MAHAMEDI PARADICE KREISMAN, LLP
550 WINCHESTER BOULEVARD
SUITE 605
SAN JOSE, CA 95128

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of
Aviv Eyal, et al.
Application No. 11/780,269
Filed: July 19, 2007
Attorney Docket No. FRIS.P704D1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2010.

The request is **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 Zurvan Mahamedi on behalf of all attorneys of record who are associated with customer No. 30544. All attorneys/agents associated with the Customer Number 30554 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 the assignee of the entire interest 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.

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: FRISKIT, INC.
660 FOURTH STREET, #290
SAN FRANCISCO, CA 94107

cc: BLACK, LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/780,269	07/19/2007	Aviv Eyal	FRIS.P704D1

CONFIRMATION NO. 3690

POWER OF ATTORNEY NOTICE

30554
MAHAMEDI PARADICE KREISMAN LLP
550 Winchester Boulevard
Suite 605
SAN JOSE, CA 95128

Date Mailed: 04/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/08/2010.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTON BOGGS LLP
ATTORNEYS AT LAW
2550 M Street, NW
Washington DC 20037-1350

COPY MAILED

DEC 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Brian Scanlan et al.	:	
Application No. 11/780,273	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 31545/04003	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 19, 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 3633 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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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

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DEC 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Dana Donohew	:	
Application No. 11/780,273	:	DECISION ON PETITION
Filed: July 19, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 31545/04003	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 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/she is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
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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LATHROP & GAGE LC
2345 GRAND AVENUE
SUITE 2800
KANSAS CITY MO 64108

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Berry and Straughn	:	DECISION ACCORDING STATUS
Application Number: 11/780277	:	UNDER 37 CFR 1.47(a)
Filing Date: 07/19/2007	:	
Attorney Docket Number: 470049	:	

This is in response to the petition under 37 CFR 1.47(a) filed on February 6, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Michael Straughn, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have shown that a copy of the application was sent to the last known address for the non-signing inventor. Additionally, petitioners' registered patent practitioner, Jerome R. Smith, Jr., states in the petition that he spoke to the non-signing inventor, who acknowledged receipt of the application. The non-signing inventor failed, however, to sign and return the declaration naming him as a joint inventor along with Cheryl Berry.

As such, the showing of record is that the non-signing inventor constructively refused to sign the declaration.

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

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

The application is being referred to Technology Center Art Unit 3771 for examination in due course.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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 Straughn
4209 N.E. Kennesaw Ridge
Lee's Summit MO 64064

COPY MAILED

MAR 12 2008

OFFICE OF PETITIONS

In re Application of
Berry et al.
Application No. 11/780,277
Filed: July 19, 2007
For: DEVICE WITH BASE FOR ACCOMODATING VIBRATING AND RELATED STIMULATING ATTACHMENTS

Dear Mr. Straughn:

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

LATHROP & GAGE LC
2345 GRAND AVE
SUITE 2800
KANSAS CITY MO 64108

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COURTNEY STANIFORD & GREGORY LLP
10001 N. De Anza Blvd, Suite 300
Cupertino, CA 95014

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Raman K. Rao	:	
Application No. 11/708,290	:	DECISION ON PETITION
Filed: February 20, 2007	:	TO WITHDRAW
Attorney Docket No. IPHD.P035C5	:	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 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Richard L. Gregory 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 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 Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Raman K. Rao**
IP Holdings, Inc.
3099 Alexis Drive
Palo Alto, CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/708,290	02/20/2007	Raman K. Rao	IPHD.P035C5

CONFIRMATION NO. 1665

POWER OF ATTORNEY NOTICE

53186
COURTNEY STANIFORD & GREGORY LLP
10001 N. De Anza Blvd., Suite 300
Cupertino, CA 95014

OC000000037786398

Date Mailed: 09/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/22/2009.

- 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.

/tsjohnson/

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

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17 SEP 2007

GENE S. WINTER
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

In re Application of: BOUGAMONT	: DECISION ON
U.S. Application No.: 11/780,304	: PETITION TO
Filing Date: 19 July 2007	: REVIVE ABANDONED
Atty Docket No.: 03769-P0032A	: APPLICATION
For: DEVICE FOR CLOSING A LIQUID PRODUCT DISPENSER	: UNDER
	: 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 19 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/FR2004/003393 became abandoned as to the United States of America at midnight on 27 June 2007 for failure to timely pay the basic national fee. The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c).

International application PCT/FR2004/003393 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 11/780,304.

This application is being referred to the Office of Initial Patent Examination for further processing.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3285

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FOGG & POWERS LLC
10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS, MN 55402

MAIL

AUG 29 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
DAPPER, MARK J., et al.
Serial No.: 11/780,307
Filed: July 19, 2007

Title: **METHOD FOR MULTIPLE USE SUBCHANNELS**

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 July 19, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The 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: 370/203, 208, 486, 487, 489, 490, 496 and 526.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a "detailed explanation of how ***each of the claims*** are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c)" (emphasis added). Petitioner does not provide a detailed explanation of patentability of all claims (including the dependent claims) with respect to each reference and if claims do not stand or fall together, how each claim (including the dependent claims) is patentably distinct over the cited prior art in combination with the other cited references. Since petitioner has only argued the patentability of the broadest, independent claims and no separate reasons for patentability are argued in regard to any of the dependent claims, it is presumed that petitioner believes that all claims stand or fall together. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to ***each of the claims*** as set forth in item 6.3 above.

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; 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 Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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SEP 25 2007

DIRECTOR'S OFFICE
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FOGG & POWERS LLC
10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS MN 55402

In re Application of:
DAPPER, MARK J., et al.
Serial No.: 11/780,307
Filed: July 19, 2007

Title: **METHOD FOR MULTIPLE USE SUBCHANNELS**

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 September 21, 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 August 29, 2007 have been met.

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral

election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

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

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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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	: Daniel J. Flynn	: DECISION ON REQUEST FOR
Patent Number	: 7611268	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/780,337	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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CARR LLP (IST)
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

MAILED

AUG 27 2009

OFFICE OF PETITIONS

In re Application of
Morin et al.
Application No. 11/780,343
Filed: July 19, 2007
Attorney Docket No. 04-020-US1 (IST 3482001)

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed July 7, 2009.

The request is **NOT APPROVED**.

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

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

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 03705 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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QUINN LAW GROUP, PLLC
39555 ORCHARD HILL PLACE,
STE. 520
NOVI MI 48375

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FEB 0 1 2010

In re Application of	:	
Mark LITTLE	:	
Application No. 11/780,366	:	NOTICE
Filed: July 19, 2007	:	
Attorney Docket No. 068124.00021	:	

This is in response to the paper filed October 20, 2009, under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status as of October 20, 2009, has been made of record and small entity status has been accorded.

The application file is being forwarded to Technology Center 3636 for further processing.

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions

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39555 ORCHARD HILL PLACE,
STE. 520
NOVI MI 48375

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FEB 0 1 2010

In re Application of	:	
Mark LITTLE	:	
Application No. 11/780,366	:	DECISION ON PETITION
Filed: July 19, 2007	:	
Attorney Docket No. 068124.00021	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 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 January 13, 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 February 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election (2) the petition fee of $810; and (3) the required 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.

The Office acknowledges the Power of Attorney filed October 20, 2009, and it has been made of record.

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

This application is being referred to Technology Center AU 3636 for appropriate action by the Examiner in the normal course of business on the reply received October 20, 2009.

/DCG/
Diane C. Goodwyn
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
11/780,366	07/19/2007	Mark Little	068124.00021

CONFIRMATION NO. 3873

POWER OF ATTORNEY NOTICE

27305
HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak, MI 48067

OC000000039845993

Date Mailed: 01/26/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/20/2009.

- 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).

/dcgoodwyn/

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
11/780,366	07/19/2007	Mark Little	068124.00021

CONFIRMATION NO. 3873

QUINN LAW GROUP, PLLC
39555 ORCHARD HILL PLACE
STE. 520
NOVI, MI 48375

POA ACCEPTANCE LETTER

OC000000039846008

Date Mailed: 01/26/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/20/2009.

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.

/dcgoodwyn/

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

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Wong, Cabello, Lutsch, Rutherfor
& Brucceler, LLP
20333 SH 249
Suite 600
Houston, TX 77070

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APR 11 2008

OFFICE OF PETITIONS

In re Application of :
Vasily Dronov :
Application No. 11/780,369 : DECISION ON PETITION
Filed: July 19, 2007 : TO WITHDRAW
Attorney Docket No. 585-0048US1/BSC0700232-02 : 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 19, 2008.

The request is **NOT APPROVED**.

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

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Bryant R. Gold
Laura Bishop
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110

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GLAXOSMITHKLINE
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304-1013

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
GRIFFITH, Ronald Conrad et al. :
Application No. 11/780,378 : DECISION ON PETITION
Filed: July 19, 2007 : TO WITHDRAW
Attorney Docket No. **355491-2551(G103)** : 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 Antoinette F. Konski on behalf of all attorneys of record who are associated with customer No. 77977. 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 Joe Smith 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: **RONALD CONRAD GRIFFITH**
2508 RUSSETT GLEN
ESCONDIDO, CA 92029

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MAR 13 2009

OFFICE OF PETITIONS

Fitzpatrick Cella (Marvell)
30 Rockefeller Plaza
New York, NY 10112-3800

In re Application of	:	
Eran Tilbor, et al.	:	
Application No. 11/780,395	:	DECISION ON PETITION
Filed: July 19, 2007	:	TO WITHDRAW
Attorney Docket No. MP1213-166165	:	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 31, 2008.

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

A review of the file record indicates that the power of attorney to Fitzpatrick Cella (Marvel) has been revoked by the assignee of the patent application on November 5, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Schwabe, Williamson & Wyatt, P.C.**
Pacwest Center, Suite 1900
1211 S.W. Fifth Avenue
Portland, OR 97204

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.
11/780,417	07/19/2007	Hyun Chang Kang	59407/S1170	4013

7590 06/25/2010
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
SHAH, PRIYANK J

ART UNIT	PAPER NUMBER
2629	

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.

Patent Publication Branch
Office of Data Management

Adjustment date: 06/25/2010 NFARMER
07/20/2007 INTEFSW 00222902 031728 11780417
02 FC:1111 500.00 CR
04 FC:1202 300.00 CR

FORM PET651G (Rev. 08/07)

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P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PATENT COUNSEL
SPAWARSYCEN, CODE 360012
53510 SILVERGATE AVE. ROOM103
SAN DIEGO, CA 92152-5765

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JUL 18 2008

In re Application of	:	
Richard L. WATERS	:	
Application No. 11/780,420	:	DECISION ON PETITION
Filed: July 19, 2007	:	
Attorney Docket No. 96659	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 Nonprovisional Application (Notice), mailed August 6, 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 October 7, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $1540; and (3) the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received May 12, 2008.

/Thurman K. Page/

Thurman Page
Petitions Examiner
Office of Petitions

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

Mail Date: 04/20/2010

Applicant	: Richard Fotland	: DECISION ON REQUEST FOR
Patent Number	: 7632533	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/780,433	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/19/2007	: 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.

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SAWYER LAW GROUP LLP
PO BOX 51418
PALO ALTO, CA 94303

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OCT 2 1 2008

OFFICE OF PETITIONS

In re Application of
Claude Basso et al
Application No. 11/780,444
Filed: July 19, 2007
Attorney Docket No.
RPS920020071US2/2478C

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 6, 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 an amendment and replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed August 2, 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 Technology Center AU 2616 for appropriate action by the Examiner in the normal course of business on the reply received June 6, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul Danton Huish, et al.	:	
Application No. 11/780,451	:	DECISION ON PETITION
Filed: July 19, 2007	:	TO WITHDRAW
Attorney Docket No. 020463-000121US	:	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 15, 2009.

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 July 13, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.**
1100 New York Avenue, N.W.
Washington, DC 20005

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul Danton Huish, et al.	:	
Application No. 11/780,453	:	DECISION ON PETITION
Filed: July 19, 2007	:	TO WITHDRAW
Attorney Docket No. 020463-000411US	:	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 15, 2009.

The request is **APPROVED**.

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

The request was signed by Mark H. Hopkins, Ph.D on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed May 14, 2009 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Paul Danton Huish**
3188 Carrigan Canyon Drive
Salt Lake City, UT 84109

cc: **STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.**
1100 New York Avenue, N.W.
Washington, DC 20005

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
11/780,453	07/19/2007	Paul Danton Huish	020463-000411US

CONFIRMATION NO. 4086

POWER OF ATTORNEY NOTICE

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 09/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/15/2009.

- 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.

/tsjohnson/

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

PTO/SB/130 (03-08)
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11780549	Confirmation Number	4267	Filing Date	2007-07-20
Attorney Docket Number (optional)	NBS-100US	Art Unit		Examiner	
First Named Inventor	John E. Siedlarz				
Title of Invention	METHOD AND SYSTEM FOR AUTHENTICATING AND VALIDATING IDENTITIES BASED ON MULTI-MODAL BIOMETRIC TEMPLATES AND SPECIAL CODES IN A SUBSTANTIALLY ANONYMOUS PROCESS				

Attention: Office of Petitions

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

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

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

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

Given Name	Middle Name	Family Name	Suffix
John	E.	Siedlarz	

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	/jle/	Date (YYYY-MM-DD)	2008-06-04
Name	Jacques L. Etkowicz	Registration Number	41738

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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P.O. Box 1450
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In re Application of
John E. Siedlarz

Application No. 11780549

Filed: July 20,2007

Attorney Docket No. NBS-100US

: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 04-JUN-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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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.
11/780,565	07/20/2007	Sang-jin Park	104-1280	4291

7590 02/18/2009

STANZIONE & KIM, LLP
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WASHINGTON, DC 20006

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 02/19/2009 NFARMER
07/20/2007 INTEFSW 00005105 502827 11780565
02 FC:1111 500.00 CR
04 FC:1201 600.00 CR

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MAIL

SEP 20 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Mark J. DAPPER, et al.
Serial No.: 11/780,589
Filed: July 20, 2007

Title: **MULTIUSE SUBCARRIERS IN MULTIPOINT-TO-POINT COMMUNICATION USING ORTHOGONAL FREQUENCY DIVISION MULTIPLEXING**

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

This is a decision on the petition filed on July 20, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the 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 and 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The 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: 370/ 203, 208, 496, 508, 516, 519, 522, 525 and 526.

Regarding the requirement in item 6.3 above, petitioner has argued the patentability of the broadest, independent claims. Since no separate reasons for patentability are argued in regard to dependent claims 2, 4-9 and 11-12, it is presumed that petitioner believes that these dependent claims stand or fall together with the independent claims from which they depend. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to *each of the claims* as set forth in item 6.3 above.

Furthrmore, 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; a new Information Disclosure Statement should be filed to cite any newly found prior art, 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; as well as the necessary updated discussion of patentability for each of the dependent claims (or a statement that claims stand or fall together) as set forth 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 Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of:
DAPPER, MARK J., et al.
Serial No.: 11/780,589
Filed: July 20, 2007

Title: **MULTIUSE SUBCARRIERS IN MULTIPOINT-TO-POINT COMMUNICATION USING ORTHOGONAL FREQUENCY DIVISION MULTIPLEXING**

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

This is a decision on the petition filed on October 18, 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 September 20, 2007 have been met.

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

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

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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

Mail Date: 04/26/2010

Applicant	: Nathan Ball	: DECISION ON REQUEST FOR
Patent Number	: 7581715	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/780,596	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/780,630	07/20/2007	Jung Joo HWANG	MUH-0007	4402

7590 06/04/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
WOOD, AMANDA P	

ART UNIT	PAPER NUMBER
1657	

NOTIFICATION DATE	DELIVERY MODE
06/04/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 06/04/2009 NFARMER
07/20/2007 INTEFSW 00005751 061130 11780630
02 FC:1111 500.00 CR
04 FC:1202 50.00 CR
05 FC:1201 200.00 CR

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/29/08

Paper No.: _____

TO SPE OF : ART UNIT 2883

SUBJECT : Request for Certificate of Correction for Appl. No.: 11780657 Patent No.: 7394963

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

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: _____

/Frank G Font/ 2883

SPE **Art Unit**

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200 WEST ADAMS STREET
CHICAGO IL 60606

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DEC 10 2008

In re Application of	:	
Schick et al.	:	
Application No.: 11/780685	:	DECISION ON
Filing or 371(c) Date: 07/20/2007	:	PETITION
Attorney Docket Number: 0848-0017.03	:	

This is a decision in response to the "Petition Under Rule 181 to Withdraw Holding of Abandonment," filed November 4, 2008.

This Petition is hereby **dismissed**.

Any further 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 "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed August 6, 2007. The Notice informed Applicant that Figure(s) 4a and 4b appear to have been omitted from the application, and set a two (2) month period for reply from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a).

Applicant filed a reply to the Notice in the form of a copy of an oath/declaration that was filed with the application papers on July 20, 2007. Applicant also filed a copy of a Notice to File Missing Parts of Nonprovisional Application from Application serial no. 11/780,845, which required an executed oath/declaration in that application.

No complete and proper reply to the Notice of Omitted Item(s) in a Nonprovisional Application having been filed, the application became abandoned on October 7, 2007.A Notice of Abandonment was mailed September 8, 2008.

The statute, 35 U.S.C. § 133, Time for prosecuting application, states

> 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.

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (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.

This section explains that the reply must be both complete and proper as the condition of the application may require.

Analysis

Here, Applicant filed a reply; however, the reply was not a complete and proper reply.

Conclusion

In view of the foregoing, the application is abandoned. As provided in the Manual of Patent Examining Procedure,

> Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

MPEP 711.03(c).

It is noted that Applicant has submitted amended drawings on November 5, 2008; however, the Applicant's options as set forth in the Notice are as follows[1]:

---

[1] See, 72 Fed. Reg. 2770; 1315 OG 103 (13 Feb. 2007); Change in Procedure for Handling Nonprovisional Applications Having Omitted Items (signed 29 January 2007) at http://www.uspto.gov/web/offices/com/sol/notices/72fr2770.pdf

(1) Petition for the date of deposit by filing a petition under 37 CFR 1.53(e) asserting that the omitted item was in fact deposited in the Office, along with evidence of such deposit (e.g. a date-stamped itemized postcard receipt) and the petition fee;

(2) Petition for a later filing date by filing the omitted item, along with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item, a petition under 37 CFR 1.182 and the petition fee, requesting the date of such submission as the application filing; or

(3) Accept the application as deposited in the USPTO, and file the appropriate amendment (e.g., a substitute specification).

Petitioner files the present petition and substitute drawings; however, Petitioner has not petitioned for the date of deposit under (1); petitioner has not petitioned for a later filing date under (2), nor has petitioner filed an amendment under option (3). (Petitioner is advised that no petition is required under option 3). Petitioner's options are as outlined above.

Alternate venue

Applicant is urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

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

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

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

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

Telephone inquiries concerning this Decision only 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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COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Schick et al.	:	
Application No.: 11/780685	:	DECISION ON
Filing or 371(c) Date: 07/20/2007	:	PETITION
Attorney Docket Number: 0848-0017.03	:	

This is a decision in response to the "Petition Under Rule 181 to Withdraw Holding of Abandonment," filed February 3, 2009.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed August 6, 2007. The Notice informed Applicant that Figure(s) 4a and 4b appear to have been omitted from the application, and set a two (2) month period for reply from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a).

Applicant filed a reply to the Notice in the form of a copy of an oath/declaration that was filed with the application papers on July 20, 2007. Applicant also filed a copy of a Notice to File Missing Parts of Nonprovisional Application from Application serial no. 11/780,845, which required an executed oath/declaration in that application.

No complete and proper reply to the Notice of Omitted Item(s) in a Nonprovisional Application having been filed, the application became abandoned on October 7, 2007.A Notice of Abandonment was mailed September 8, 2008.

Applicant filed a petition to withdraw the holding of abandonment under 37 CFR 1.181 on November 4, 2008, wherein Applicant asserted that a timely reply to the Notice was filed on August 6, 2007. Applicant supplemented the petition on November 5, 2008, with corrected drawings, and in the Remarks section of a preliminary Amendment filed with the corrected drawings stated that the drawings were incorporated by reference to prior application 11/294,296.

The petition was dismissed in a Decision mailed December 10, 2008. The Decision stated that while a reply to the Notice, to wit – an oath/declaration – was timely filed, the reply was incomplete because the Notice required Applicant to respond to the apparently omitted drawing Figures 4a and 4b described in the specification. The Decision further noted that Applicant's options as set forth in the Notice were as follows[1]:

> (1) Petition for the date of deposit by filing a petition under 37 CFR 1.53(e) asserting that the omitted item was in fact deposited in the Office, along with evidence of such deposit (e.g. a date-stamped itemized postcard receipt) and the petition fee;
>
> (2) Petition for a later filing date by filing the omitted item, along with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item, a petition under 37 CFR 1.182 and the petition fee, requesting the date of such submission as the application filing; or
>
> (3) Accept the application as deposited in the USPTO, and file the appropriate amendment (e.g., a substitute specification).

Applicant filed the November 4, 2008 petition, supplemented on November 5, 2008, and an Amendment to include the substitute drawings; however, Applicant had not petitioned for the date of deposit under (1); had not petitioned for a later filing date under (2), nor had Applicant filed an amendment under option (3).

The present renewed petition

Applicant files the present renewed petition and asserts that the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed August 6, 2007, was not received by Applicant. Applicant avers that the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed August 6, 2007, that Applicant received, identified application serial number 11/780,845, which, Applicant asserts, is why Applicant filed the reply to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed August 6, 2007, for application serial number 11/780,845, instead of the reply for the Notice mailed for the present application.

Analysis

Office records reveal that Applicant's filed a copy of the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed August 6, 2007, for application serial number 11/780,845, with the reply filed on September 25, 2007. The Notice required an executed oath/declaration; however, Applicant had filed an executed oath/declaration with the application papers on filing. The reply to the Notice included a copy of the oath/declaration previously filed with the application papers on July 20, 2007, as noted by Applicants in their response to the

---

[1] See, 72 Fed. Reg. 2770; 1315 OG 103 (13 Feb. 2007); Change in Procedure for Handling Nonprovisional Applications Having Omitted Items (signed 29 January 2007) at http://www.uspto.gov/web/offices/com/sol/notices/72fr2770.pdf

Notice. Office records also reveal that Applicants are not the attorney's of record for application serial number 11/780,845, nor is the correspondence address or customer number associated with the applications the same. Finally, the attorney's of record differ for both applications. Applicant inadvertently received a copy of the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed August 6, 2007, for application serial number 11/780,845.

In view of the foregoing, the petition is granted.

The Notice of Abandonment is hereby withdrawn. The application is being returned to the Office of Patent Application Processing for re-mailing of the Notice of Omitted Item(s) in a Nonprovisional Application, and for re-setting the period for reply.

Applicant is again advised that a proper reply to the Notice, as set forth in the Notice, is required.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

Mail Date: 05/03/2010

Applicant	: Seyed DANESH	: DECISION ON REQUEST FOR
Patent Number	: 7612702	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/780,738	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Gregory T. Zugates, et al.	:	
Application No. 11/780,754	:	DECISION ON PETITION
Filed: July 20, 2007	:	TO WITHDRAW
Attorney Docket No. 0492611-0777 (MIT 12049)	:	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 Brenda Herschbach Jarrell 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 Joe Smith 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: **Gregory T. Zugates**
1 Brookline Place, Apt. 306
Cambridge, MA 02139

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
11/780,754	07/20/2007	Gregory T. Zugates	0492611-0777 (MIT 12049)

CONFIRMATION NO. 4633

POWER OF ATTORNEY NOTICE

24280
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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

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JUN 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Paul C. Huffman et al. :
Application No. 11/780,777 : DECISION ON PETITION
Filed: July 20, 2007 :
Attorney Docket No. :
CA920000021US3/1849C2

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 29, 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 File Corrected Application Papers, mailed August 3, 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 October 4, 2007. A Notice of Abandonment was mailed on April 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 replacement drawings, (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings 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 the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received April 29, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

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

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Yong Hyun KIM	: DECISION ON REQUEST FOR
Patent Number	: 7639189	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/780,795	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **143** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

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DEC 10 2008

OFFICE OF PETITIONS

In re Application of :
KALLA, et al. :
Application No. 11/780,817 : DECISION ON PETITION
Filed: July 20, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **10866** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 6, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 6, 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 October 7, 2008.

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

The record indicates that Marshall, Gerstein & Borun, LLP was responsible for prosecution of the application when the reply necessary to avoid abandonment was due. Therefore, petitioner must provide a statement from Marshall, Gerstein & Borun, LLP explaining why action was not timely taken to prevent the application from becoming abandoned.

It is noted however, that a Power of Attorney and Statement under 37 CFR 3.73(b) was submitted with the petition on May 6, 2008. Unfortunately, the statement under 3.73(b) is improper because it did not include evidence of the chain of title from the original owner to the assignee and/or no assignment documents were submitted for recordation as stated in the 3.73(b) statement.

Petitioner is advised to send a letter (accompanied by a copy of this decision) to Marshall, Gerstein & Borun, LLP at 233 S. Wacker Drive, Suite 6300, Chicago, IL 60606, by certified or registered mail (return receipt requested) indicating that the U.S. Patent and Trademark Office

(USPTO) is requesting assistance in ascertaining the cause of abandonment of the above-identified application, and that the USPTO is requesting that Marshall, Gerstein & Borun, LLP provide within a specified period (e.g., one month) a statement setting forth why appropriate action was not timely taken to prevent the application from becoming abandoned. Petitioner is advised that, in the event that Marshall, Gerstein & Borun, LLP does not provide such a statement, petitioner should submit a copy of such letter and a copy of the return receipt.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc:
MEGAN CHOREY
THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
299 EAST SIXTH STREET, 4TH FLOOR
CINCINNATI, OH 45202

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 22 2009

OFFICE OF PETITIONS

In re Application of
Karen **KALLA, et al.**
Application No. 11/780,817
Filed: July 20, 2007
Attorney Docket No. **10866**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 10, 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 a Nonprovisional Application (Notice), mailed August 6, 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 October 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the declaration and surcharge fee of $130; (2) the petition fee of $1540; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing for continued processing commensurate with this decision.

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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JUN 16 2008

OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of :
Schnatterer, et al. : DECISION REFUSING STATUS
Application No. 11/780,823 : UNDER 37 CFR 1.47(a)
Filed: July 20, 2007 :
Atty. Dkt. No.: 574313-3419 :
For: CHEMICAL COMPOUNDS, :
PROCESS FOR THEIR PREPARATION :
AND USE THEREOF :

This decision is in response to the petition under 37 CFR 1.47(a) filed March 20, 2008.

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

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 20, 2007 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed August 20, 2007. The Notice, *inter alia*, required a surcharge and an executed oath or declaration.

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

As to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or

declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

The petition and supporting documents allege that the application papers were mailed to the non-signing inventor in Bogotá, Colombia in October, 2007, and that the inventor acknowledged receipt, but has not returned the execute declaration.

The copy of the letter signed by Tiki Cantrell allegedly mailed to the non-signing inventor in Bogota, Colombia is addressed to the non-signing inventor in Germany. The copy of the letter does not sufficiently identity the instant application by application number and does not establish that the letter was accompanied by the complete application papers (specification, including claims, drawings, and oath or declaration). The copy of the email from the non-signing inventor to Tiki Cantrell dated October 9, 2007 (Exhibit G) is general in nature and does not establish that the non-signing inventor received the complete application papers for the instant application for patent. The email references "six patents," but fails to identity the instant application number with specificity. Tiki Cantrell has not provided a statement of facts detailing the alleged presentation of the application papers to the non-signing inventor.

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. Exhibit A, filed as part of the petition, has not been entered into the record as the declaration required under 37 CFR 1.63 because it is labeled as an exhibit.

As to item (3), the required petition fee of $200.00 has been charged to petitioners' deposit account as authorized.

As to item (4), the last known address of the non-signing inventor has been provided. Should further research reveal a more accurate address for the non-signing inventor, a statement to this effect should accompany the renewed petition.

An application filed pursuant to 37 CFR 1.47 must state the last known address of the non-signing 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 non-signing inventor. Inasmuch as a non-signing inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the non-signing inventor may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient. In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. *See* MPEP §§ 409.03(e) and 605.03.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

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

By facsimile:
(571) 273-8300

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Judy Jarecki-Black
3239 Satellite Blvd.
Duluth, Georgia 30096

UNITED STATES 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, BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
SUITE 3300
MILWAUKEE, WI 53202

MAILED

FEB 06 2009

OFFICE OF PETITIONS

In re Application of :
Todd W. Johnson, et al. :
Application No.: 11/780,829 : ON PETITION
Filed: July 20, 2007 :
Attorney Docket No.: 066042-9537-04 :

This is a decision on the petition, filed February 5, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 16, 2008, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2838 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/780,831	07/20/2007	Kenji YAMAUCHI	1032404-000185	4767

7590 03/24/2009

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

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
03/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 03/23/2009 RPOWELL
07/23/2007 INTEFSU 00000764 11780831
02 FC:1111 -500.00 OP

Adjustment date: 03/23/2009 RPOWELL
07/23/2007 INTEFSU 00000764 11780831
02 FC:1111 -500.00 OP

Refund Ref: 0030067987
03/23/2009

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXX1006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

COPY MAILED

JUL 31 2009

OFFICE OF PETITIONS

In re Application of	:	
Gary Poillucci	:	DECISION ON PETITION
Application No. 11/780,837	:	TO WITHDRAW
Filed: July 20, 2007	:	FROM RECORD
Attorney Docket No. 21847-003001	:	

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 19, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Fish & Richardson P.C. does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Fish & Richardson not having power of attorney. See MPEP §§ 601.03 and 405. A review of USPTO records reveals that the Change of Address filed June 19, 2009 was erroneously accepted since currently there is no power of attorney assigned in the above-identified application. In view of this the Correspondence Address must revert to the proper submission filed July 20, 2007. Therefore, all future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

Currently, there is no outstanding Office that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Gary Poillucci
53 Laurel Street
Watertown MA 02472

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Diehl Servilla, LLC
77 Brant Avenue
Suite 210
Clark, NJ 07066

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APR 29 2008

OFFICE OF PETITIONS

In re Application of
Donald Spector
Application No. 11/780,838
Filed: July 20, 2007
Attorney Docket No. AT10023-03CT

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 4, 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, [w]e believe that the former client asserts to the termination of the representation" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "Revocation of Power . . ," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Donald Spector
641 Fifth Avenue
New York, NY 10022

cc: Bromberg & Sunstein, LLP
125 Summer Street
Boston, MA 02110-1618

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Diehl Servilla, LLC
77 Brant Avenue
Suite 210
Clark, NJ 07066

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JUL 11 2008

OFFICE OF PETITIONS

In re Application of :
Donald Spector :
Application No. 11/780,838 : DECISION ON PETITION
Filed: July 20, 2007 : TO WITHDRAW
Attorney Docket No. AT10023-03CT : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy of this decision is being mailed to applicant at the address noted in the Declaration for Patent Application.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Donald Spector
641 Fifth Avenue
New York, NY 10022

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Diehl Servilla, LLC
77 Brant Avenue
Suite 210
Clark, NJ 07066

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JUL 15 2008

OFFICE OF PETITIONS

In re Application of :
Donald Spector :
Application No. 11/780,838 : DECISION ON PETITION
Filed: July 20, 2007 : TO WITHDRAW
Attorney Docket No. ATI0023-03CT : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2008.

The request is **APPROVED**.

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

The request was signed by Glen M. Diehl on behalf of all attorneys of record who are associated with customer No. 48394. All attorneys/agents associated with the Customer Number 48394 have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first signing inventor. A courtesy copy of this decision is being mailed to the address noted on the request. However, if the person named on the request desires to receive future correspondence regarding this file, the appropriate documents must be submitted.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Donald Spector
641 Fifth Avenue
New York, NY 10022

cc: Bromberg & Sunstein, LLP
125 Summer Street
Boston, MA 02110-1618

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
11/780,838	07/20/2007	Donald Spector	ATI0023-03CT

CONFIRMATION NO. 4780

48394
DIEHL SERVILLA LLC
77 BRANT AVE
SUITE 210
CLARK, NJ 07066

POWER OF ATTORNEY NOTICE

Date Mailed: 07/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/13/2008.

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

/kainabinet/

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

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

MAILED

OCT 15 2009

OFFICE OF PETITIONS

In re Application of :
Ronny Bracken :
Application Number: 11/780856 : DECISION ON PETITION
Filing or 371(c) Date: 07/20/2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket Number: CRBARD.000GEN :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed on July 22, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C.

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

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

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3771 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Anthony Knight
Supervisor
Office of Petitions

Encl: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/780,856	07/20/2007	3771	1500	CRBARD.000GEN	30	2

CONFIRMATION NO. 4821

CORRECTED FILING RECEIPT

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

OC000000038164695

Date Mailed: 10/14/2009

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)

Ronny Bracken, Conyers, GA;

Power of Attorney: The patent practitioners associated with Customer Number 20995

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/807,832 07/20/2006

Foreign Applications

If Required, Foreign Filing License Granted: 08/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/780,856**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Patient Delivery Tube for Humidified Oxygen

Preliminary Class

128

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 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.
11/780,872	07/20/2007	Lance E. Steward	17451CON3 (BOT)	4848

EXAMINER
MINNIFIELD, NITA M

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
09/05/2008	PAPER

7590 09/05/2008

ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE, CA 92612-1599

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/08/2008 BPOWELL
09/05/2007 MTEKLEMI 00000029 010885 11780872
01 FC:1202 -375.00 CR

Refund Ref:
09/08/2008 [illegible]0030060771

Credit Card Refund Total: $375.00

Am Exp..: XXXXXXXXXXX3000

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/780,879	07/20/2007	Adam Wax	1124-001	4863

27820 7590 01/29/2010

WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

EXAMINER	
CANDLER, SAMUEL M	
ART UNIT	PAPER NUMBER
3739	

MAIL DATE	DELIVERY MODE
01/29/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

In re Application of
WAX, ADAM
Appl. No.: 11/780,879
Filed: July 20, 2007
Atty. Docket No: 1124-001
For: PROTECTIVE PROBE TIP, PARTICULARLY FOR USE ON A FIBER-OPTIC PROBE USED IN AN ENDOSCOPIC APPLICATION

: DECISION ON PETITION
: Under 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed Jan. 22, 2010 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition of January 22, 2010.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

In the petition, petitioner requests that the information submitted on January 22, 2010 is proprietary material for examiner's consideration under MPEP § 724. The material filed on January 22, 2010, identified as "Proposed Research Plan" by Adam Wax is requested to be expunged.

In the petition, petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information

which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time. During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the document in question has been stored separately in an artifact file folder for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.

Donald T. Hajec, Director
Technology Center 3700

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.
11/780,879	07/20/2007	Adam Wax	1124-001	4863

27820 7590 01/29/2010

WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

EXAMINER	
CANDLER, SAMUEL M	
ART UNIT	PAPER NUMBER
3739	

MAIL DATE	DELIVERY MODE
01/29/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

In re Application of
WAX, ADAM
Appl. No.: 11/780,879
Filed: July 20, 2007
Atty. Docket No: 1124-001
For: PROTECTIVE PROBE TIP, PARTICULARLY FOR USE ON A FIBER-OPTIC PROBE USED IN AN ENDOSCOPIC APPLICATION

: DECISION ON PETITION
: Under 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed March 25, 2009 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

In the petition, petitioner requests that the information submitted on March 25, 2009 is proprietary material for examiner's consideration under MPEP § 724. The material filed on March 25, 2009, identified as "Proposed Research Plan" by Adam Wax is requested to be expunged.

In the petition, petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information

which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time. During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the document in question has been separately stored in an artifact file folder for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in abeyance.

Donald T. Hajec, Director
Technology Center 3700

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BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

COPY MAILED

SEP 05 2008

OFFICE OF PETITIONS

In re Application of	:	
Timothy R. Spooner et al.	:	
Application No. 11/780,894	:	DECISION NOTING JOINDER
Filed: July 20, 2007	:	OF INVENTOR AND PETITION
Attorney Docket No. 2550/B64	:	UNDER 37 CFR 1.47 (a) MOOT

Papers filed on July 16, 2008 include a Declaration signed by previously nonsigning inventor Nelson Kuan in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47 (a) is moot; this application does not have any rule 1.47 (a) status.

This application is being forwarded to Technology Center AU 2841 for examination in due course.

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

David Bucci
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
www.uspto.gov

BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON MA 02110-1618

MAILED

APR 0 1 2009

OFFICE OF PETITIONS

Applicant: Spooner, et.
Appl. No.: 11/780,894
Filing Date: July 20, 2007
Title: PACKAGE HAVING A PLURALITY OF MOUNTING ORIENTATIONS
Attorney Docket No.: 2550/B64
Pub. No.: US 2008/0205025 A1
Pub. Date: August 28, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 15, 2008, for the above-identified application

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains a material error, wherein the publication was published without the formal drawings filed on September 20, 2007.

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

The error noted by the requestor does not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent as the informal drawings are published. The drawings submitted on September 20, 2007 are not in accordance with 37 CFR 1.121(d) for an amendment to the drawings.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

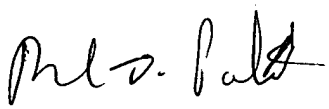
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

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

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



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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/780,925	07/20/2007	Lance E. Steward	17451DIV1 (BOT)	4942

7590 08/28/2008

ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE, CA 92612-1599

EXAMINER	
MINNIFIELD, NITA M	

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/29/2008 BPOWELL
07723/2007 INTEFSW 00002606 010885 11780925
02 FC:1111 500.00 CR
04 FC:1202 300.00 CR
05 FC:1203 360.00 CR

Adjustment Date: 08/29/2008 BPOWELL
09705/2007 MTEKLEMI 00000031 010885 11780925
01 FC:1202 350.00 CR

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/27/09

TO SPE OF : ART UNIT 2884 David Porta (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/780993 Patent No.: 7573027

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

H. Riley

Certificates of Correction Branch

703-308-9390 ext. _____

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 PORTA
SUPERVISORY PATENT EXAMINER

2884
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
David A. MALUF	:	
Application No. 11/781,041	:	DECISION ON PETITION
Filed: July 20, 2007	:	TO WITHDRAW
Attorney Docket No. **SGATP002**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

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

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CAP EPSILON, INC.**
21 HILLSIDE AVE.
MARBLEHEAD, MA 01945

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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MAR 3 0 2009

OFFICE OF PETITIONS

In re Application of :
AXINTE, Grigore et al. :
Application No. 11/781,060 : DECISION ON PETITION
Filed: July 20, 2007 : TO WITHDRAW
Attorney Docket No. **573878032US1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 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 Kenneth H. Ohriner on behalf of all attorneys of record who are associated with customer No. 25096. 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: **GRIGORE AXINTE**
2022 14TH STREET, S.E.
BELLEVUE, WA 98007

cc: **HYPERION INNOVATIONS, INC.**
1750 112TH AVENUE N.E.
SUITE C-100
BELLEVUE, WA 98004-3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ZAGORIN O'BRIEN GRAHAM LLP (149)
7600B N. CAPITAL OF TX HWY
SUITE 350
AUSTIN TX 78731

COPY MAILED
FEB 12 2010

In re Application of
Igor Y. Botvinnik
Application No. 11/781,078
Filed: July 20, 2007
Attorney Docket No. 149-0009-4

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 February 12, 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 29, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2836 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.*

ZAGORIN O'BRIEN GRAHAM LLP
Intellectual Property Attorneys
7600B N. CAPITAL OF TEXAS HWY, SUITE 350
AUSTIN, TEXAS 78731

FAX RECEIVED
FEB 12 2010
OFFICE OF PETITIONS

FACSIMILE TRANSMITTAL TO USPTO

To:	USPTO - Mail Stop 313(c)	**Fax No.:** **Phone No.:**	571-273-0025
Date:	February 12, 2010	**Pages:**	140 (including this sheet)
From:	David W. O'Brien	**Sender's Phone No.:** **Sender's Fax No.:**	512-338-6300 512-338-6301

REGARDING:

Title:	EMITTER ELECTRODE HAVING A STRIP SHAPE		
Application No.:	11/781,078	**Filed:**	July 20, 2007
Examiner:	Danny Nguyen	**Group Art Unit:**	2836
Atty. Docket No.:	149-0009-4	**Confirmation No.:**	5214

ATTACHED HERETO:

(1) Transmittal Letter (2 pages)
(2) Petition to Withdraw Application from Issue (2 pages)
(3) Request for Continued Examination (1 page)
(4) Information Disclosure Statement (3 pages) and one reference (130 pages)
(5) Credit Card Payment Form (1 page)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office.

David W. O'Brien — 12-Feb-10 Date

Respectfully submitted,

David W. O'Brien, Reg. No. 40,107
Attorney for Applicant(s)
(512) 338-6314 (direct)
(512) 338-6300 (main)
(512) 338-6301 (fax)

The information contained in and transmitted with this facsimile message is *CONFIDENTIAL* and intended only for the official use of the United States Patent and Trademark Office (USPTO). If you, the reader of this message, are not the intended recipient (identified above) or an agent responsible for delivery to the intended recipient, you are hereby notified that you have received this information in error and that any review, dissemination, destruction or copying thereof is strictly prohibited. If you have received this information in error, please notify us immediately by telephone at (512) 338-6300 and we will arrange for return of the original message. Thank you.

ZAGORIN O'BRIEN GRAHAM LLP
7600B N. CAPITAL OF TEXAS HWY, SUITE 350
AUSTIN, TEXAS 78731-1191
INTELLECTUAL PROPERTY ATTORNEYS 512-338-6300 (TEL) 512-338-6301 (FAX) INTERNET: www.ip-counsel.com

February 12, 2010

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED
FEB 12 2010
OFFICE OF PETITIONS

Applicant:	Igor Y. Botvinnik		
Title:	EMITTER ELECTRODE HAVING A STRIP SHAPE		
Application No.:	11/781,078	Filed:	July 20, 2007
Examiner:	Danny Nguyen	Group Art Unit:	2836
Atty. Docket No.:	149-0009-4	Conf. No.:	5214

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- ☒ Petition to Withdraw Application from Issue - Issue Fee Paid (2 page(s))
- ☐ Petition for Extension of Time (month) (page(s))
- ☒ Information Disclosure Statement (3 page(s)), and a copy of one reference
- ☒ Other: Request for Continued Examination (1 page(s))
- ☒ Other: Credit Card Payment Form PTO-2038 (1 page(s))
- ☐ Other: (page(s))
- ☒ Transmittal Letter (2 page(s));
- ☐ Return postcard;

The Total Fee has been calculated as shown below:

	Pending Claims	Claims Previously Paid	Extra Claims	Fees
Total Claims	17	– 20 =	0 x $52.00 =	0.00
Independent Claims	5	– 3 =	2 x $220.00 =	0.00
Multiple Dependent Claims (if any) - $390.00 fee				0.00
Additional Claims Fee				$ 0.00
Fee For Extension Of Time				0.00
Other Fees: (Petition to Withdraw from Issue)				$130.00
Other Fees: (Request for Continued Examination)				$810.00
TOTAL FEE DUE:				$940.00

- ☐ Small entity status is entitled to be asserted for the application.
- ☐ The Total Fee shown above is being paid as directed in an electronic submission of this paper.
- ☒ The Total Fee shown above is being paid by credit card as directed in the attached Form PTO-2038.
- ☐ A check is enclosed for the Total Fee shown above.
- ☐ Please charge the Total Fee shown above to Deposit Account 50-0631.

ZAGORIN O'BRIEN GRAHAM LLP

February 12, 2010
RE: 11/781,078
Page 2 of 2

☒ The Commissioner is hereby authorized to charge any deficiency in fees and any additional fees under 37 C.F.R. § 1.16 or 1.17, that may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being

☐ deposited with the US Postal Service with sufficient postage as first class mail in an envelope addressed as shown above.

☐ facsimile transmitted to the USPTO.

☒ transmitted using the USPTO electronic filing system.

David W. O'Brien — 12-Feb 10 (Date)

EXPRESS MAIL LABEL: _____

Respectfully submitted,

David W. O'Brien, Reg. No. 40,107
Attorney for Applicant(s)
(512) 338-6314 (direct)
(512) 338-6300 (main)
(512) 338-6301 (fax)

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Mr. Martin A. Weeks
1750 P Street, N.W. - Suite 301
Washington, DC 20036-1536

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SEP 18 2007

OFFICE OF PETITIONS

In re Application of
William H. Baker
Application No. 11/781,084
Filed: July 20, 2007
Attorney Docket No. BAK-P2007-004

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 July 25, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the inventor that he is over the age of 65. Accordingly, the above-identified application has been accorded "special" status.

The Power of Attorney filed on July 20, 2007 has been accepted and made of record.

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.

The application is being forwarded to the Technology Center Art Unit 3636, for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3226. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Martin A. Weeks
1909 Aladdin
Norman, OK 73072

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 18 2007

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

In re Application of	:
Matthew Crowley et al	: DECISION ON PETITION TO MAKE
Serial No.: 11/781,088	: SPECIAL FOR NEW APPLICATION
Filed: July 20, 2007	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: 6165-00104	: § 708.02

This is a decision on the petition filed July 20, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **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 an agreement that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a Final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the Final Office action, applicant must: 1) promptly file a Notice of Appeal, an Appeal Brief and Appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after Final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

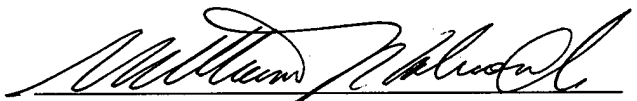
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a Final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.



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

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

BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET, SUITE 500
AKRON, OH 44311

In re Application of	:	
Kurt ZIELINSKI, et al	:	
Application No. 11/781,101	:	DECISION ON PETITION
Filed: July 20, 2007	:	TO WITHDRAW
Attorney Docket No. 30515.46029	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed March 31, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Heather M. Barnes 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 above 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: EMERSON, THOMSON & BENNETT
777 WEST MARK STREET
AKRON, OH 44303

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.
11/781,102	07/20/2007	Kyong-Tae Park	AB-2196 US	5247

7590 04/10/2009

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
04/10/2009	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.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/10/2009 NFARMER
07/23/2007 INTEFSU 00003758 502257 11781102
02 FC:1111 500.00 CR

Adjustment date: 04/10/2009 NFARMER
08/06/2007 HNGUYEN 00000008 502257 11781102
01 FC:1202 100.00 CR
02 FC:1203 360.00 CR

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25 JUN 2010

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Yun H. Choe
LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

In re Application of:	:	DECISION
KIM, JUNG-KEUN et al	:	
Application No.: 11/781,115	:	UNDER
Filing Date: 20 July 2007	:	
Atty Docket No.: 58049-00042	:	
For: HERBAL MIXTURE EXTRACT OF	:	37 CFR § 1.78(a)(3)
NOTOGINSENG RADIX, REHMANNIAE RADIX	:	
PREPARATA AND ACANTHOPANACIS CORTEX	:	
AND COMPOSITION COMPRISING THE SAME FOR	:	
PREVENTION AND TREATMENT OF ARTHRITIS	:	

This is in response to applicants' "PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM OF PRIORITY UNDER 35 USC 365(C) FOR THE BENEFIT OF PRIOR-FILED APPLICATION" filed on 27 October 2009. This petition has been treated under 37 CFR 1.78(a)(3).

The petition is DISMISSED.

The present application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional

The petition complies with the requirements of items (2) and (3),

For item (2), the surcharge fee required by 37 CFR 1.17(t) has been submitted; and

For item (3), the petition states that "the delayed claim of priority from the prior-filed International Application, PCT/KR2006/000199 filed on January 18, 2006... was unintentional." This statement has been construed to mean 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". If this is incorrect, applicants MUST IMMEDIATELY NOTIFY the Office of PCT Legal Administration. As so construed, the petition includes a proper statement of unintentionally delay.

With regard to item (1), a proper reference to the prior-filed international application has not been included in the amendment to the specification or in the supplemental application data sheet (ADS), as required under 37 CFR 1.78(a)(2).

The domestic benefit/national stage information in the supplemental ADS incorrectly identifies the instant application as a "371 of PCT/KR2006/000199." The present application is not a U.S. national stage application under 35 U.S.C. 371, but rather was filed under 35 U.S.C. 111(a).

With regard to the amendment to the specification, 37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of a copending international application must contain or be amended to contain a reference to the international application, identifying it by international application number and international filing date and indicating the relationship of the application. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of the prior-filed international application. An example of a proper benefit claim is: "This application is a continuation of International Application No. PCT/...., filed---." A benefit claim that merely states: "This application claims priority to International Application No. PCT/..., filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. See MPEP 201.11, *Reference to First Application*.

Furthermore, the reference to add the prior-filed applications to the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot

include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

For the reason above, the petition under 37 CFR 1.78(a)(3) is DISMISSED without prejudice.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted under a renewed petition under 37 CFR 1.78(a)(3), and an amendment (37 CFR 1.121) correcting the above matters is required.

Any questions regarding this decision may be directed to Shian Luong, PCT Special Programs Examiner, at (571) 272-4557.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration

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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS MO 63131-3615

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JAN 12 2010

In re Application of :
HUSSAM, Ali A. :
Application No. 11/781,117 : DECISION ON PETITION
Filed: July 20, 2007 : TO WITHDRAW
Attorney Docket No. **ARAH 8117D1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2009

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

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).

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

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: **ARAHA, INC.**
2600 JOHNSON DR.
COLUMBIA, MO 65203

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HELLER EHRMAN, LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO, CA 92122

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OFFICE OF PETITIONS

In re Application of
BARR, et al.
Application No. 11/781,152
Filed: July 20, 2007
Attorney Docket No. **39042-0008D1**

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 August 6, 2008.

The request is **APPROVED**.

A review of the file record indicates that Leslie B. Overman: (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, all attorney associated with HELLER EHRMAN, LLP 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).

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **PHILIP J. BARR**
5602 DENTON PLACE
OAKLAND, CA 94619

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :

Adrian Vilata et al. :
Application No. 11/781,153 : DECISION ON PETITION
Filed: July 20, 2007 : TO WITHDRAW
Attorney Docket No. 026482-000210US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 16, 2008.

The request is **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 Kenneth E. Jenkins 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
Petitions Examiner
Office of Petitions

cc: Vical Incorporated
10390 Pacific Center Court
San Diego, CA 92121-4340

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/781,153	07/20/2007	Adrian Vilalta	026482-000210US

CONFIRMATION NO. 5352

POWER OF ATTORNEY NOTICE

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC00000033033142

Date Mailed: 11/10/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/16/2008.

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

/kainabinet/

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

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

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DEC 26 2007

OFFICE OF PETITIONS

In re Application of :
Sammy Mok, Fu Chiung Chong, and :
Roman Milter :
Application No. 11/781,172 : DECISION ON PETITION
Filed: July 20, 2007 : PURSUANT TO 37 C.F.R.
Attorney Docket Number: : § 1.47(A)
NNEX0037 :
Title: SYSTEMS FOR TESTING AND :
PACKAGING INTEGRATED CIRCUITS :

This is in response to the petition under 37 C.F.R. § 1.47(a)[1], filed November 5, 2007.

On July 20, 2007, the application was filed, identifying Sammy Mok, Fu Chiung Chong, and Roman Milter as joint inventors. The application was deposited without an executed oath or declaration. On August 3, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was

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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) proof that either:
a) 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) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

With the present petition, Petitioner has included a declaration that has been signed by each of the joint inventors save Mr. Mok, the fee that is associated with the late submission of the same, the petition fee, copies of a letter and several e-mails, a copy of a Federal Express tracking report, and a one-month extension of time so as to make timely this response[2].

Petitioner has asserted that a complete copy of the application was sent to the non-signing inventor, and the same has refused to sign the declaration.

Petitioner has met each of the five requirements of Rule § 1.47(a), and has submitted all required fees. Therefore, the petition is **GRANTED** and this application is hereby accorded Rule § 1.47(a) status.

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

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

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
Senior Attorney
Office of Petitions

---

2 It is noted that November 3, 2007 fell on a Saturday.
3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

DATE 12-25-07

APPLICATION NUMBER 11/781,172

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DOC CODE IMIS

DOC DATE DEC 26 2007

OFFICE OF PETITIONS

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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DEC 26 2007

OFFICE OF PETITIONS

Sammy Mok
106360 E. Estates Drive
Cupertino, CA 95014

In re Application of :
Sammy Mok, Fu Chiung Chong, and :
Roman Milter :
Application No. 11/781,172 : LETTER
Filed: July 20, 2007 :
Attorney Docket Number: :
NNEX0037 :
Title: SYSTEMS FOR TESTING AND :
PACKAGING INTEGRATED CIRCUITS :

Dear Mr. Mok:

You are named 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 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, the attorney of record 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 the undersigned at (571) 272-3225. 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).

Paul Shanoski
Senior Attorney
Office of Petitions

cc: GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

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P.O. BOX 500 (50-LAW)
BEAVERTON, OR 97077-0001

MAILED

NOV 24 2009

OFFICE OF PETITIONS

In re Application of :
Steven K. Sullivan et al :
Application No. 11/781,202 : ON PETITION
Filed: July 20, 2007 :
Attorney Docket No. 8173-US1 :

This is a decision on the petition filed November 19, 2009, which is being treated as a petition under 37 CFR 1.313(a), to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of an IDS filed on November 6, 2009.

37 CFR 1.313(a) states, in part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of $130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

> A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

The issue fee in this application was received on September 11, 2009. If the IDS is not favorably considered by the examiner, petitioner may wish to file a petition under 37 CFR 1.313(c)(2).

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

This matter is being referred to Technology Center AU 2831 for appropriate action on the IDS filed November 6, 2009.

/Irvin Dingle/
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

THOMAS F. LENIHAN
TEKTRONIX, INC.
14150 S.W. KARL BRAUN DRIVE
P.O. BOX 500 (50-LAW)
BEAVERTON, OR 97077-0001

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OFFICE OF PETITIONS

In re Application of :
Steven K. Sullivan et al :
Application No. 11/781,202 : ON PETITION
Filed: July 20, 2007 :
Attorney Docket No. 8173-US1

This is a decision on the renewed 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 September 11, 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 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the previously 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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P.O. BOX 1687
CUPERTINO CA 95015-1687

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OFFICE OF PETITIONS

In re Application of :
Nir Perry :
Application No. 11/781,260 : ON PETITION
Filed: July 22, 2007 :
Attorney Docket No. **SDK1P067A/MSA-1056X** :

This is a decision on the petition, filed October 28, 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 **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 October 28, 2009. 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 JoAnne Burke at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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P.O. BOX 1687
CUPERTINO CA 95015-1687

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of :
Nir Perry :
Application No. 11/781,260 : ON PETITION
Filed: July 22, 2007 :
Attorney Docket No. **SDK1P067A/MSA-1056X** :

This is a decision on the renewed petition, filed December 28, 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 April 18, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

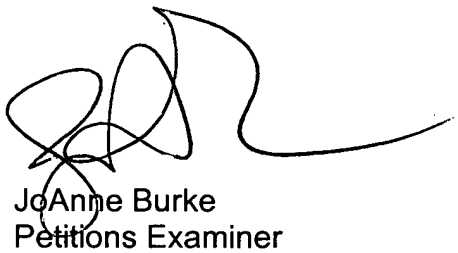
The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 1, 2010, accompanies this decision on petition.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forward to Technology Center Art Unit 2186 for examination in due course.



JoAnne Burke
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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/781,260	07/22/2007	Nir Perry	SDK1P067A/MSA-1056X

CONFIRMATION NO. 5556

66776
BEYER LAW GROUP LLP/ SANDISK
P.O. BOX 1687
CUPERTINO, CA 95015-1687

NONPUBLICATION RESCISSION LETTER

OC000000040778425

Date Mailed: 03/24/2010

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 07/01/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jlburke/

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

Mail Date: 04/21/2010

Applicant	: Gregory BASS	: DECISION ON REQUEST FOR
Patent Number	: 7594569	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/781,265	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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LADI O. SHOGBAMIMU
2106 W. 121ST STREET
LEAWOOD KS 66209

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of :
David H. NICHOLL :
Application No. 11/781,272 : DECISION ON PETITION
Filed: July 23, 2007 :
Attorney Docket No. ICOP_11010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 03, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed August 06, 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 October 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and oath/declaration, specification and replacement drawings; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 06, 2007 is accepted as having been unintentionally delayed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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 :
Yukio, **KITAHARA, et al.** :
Application No. 11/781,290 : DECISION GRANTING PETITION
Filed: July 23, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **9319S-002190** :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 13, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2895 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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CERMAK KENEALY VAIDYA & NAKAJIMA LLP
515 EAST BRADDOCK RD SUITE B
Alexandria VA 22314

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FEB 12 2010

In re Application of	:	
Yasushi Yatsuda, et al.	:	
Application No. 11/781,337	:	DECISION GRANTING PETITION
Filed: July 23, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ST3001-0039C	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 5, 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 6, 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 2875 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

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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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

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JUN 03 2010

OFFICE OF PETITIONS

In re Application of
Matsumoto
Application No. 11/781,347
Filed: July 23, 2007
Attorney Docket No. 00684.134672.

DECISION ON PETITION

This is a decision on the petition, filed April 23, 2010, 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 pay the issue and publication fees on or before March 29, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed December 29, 2009.

Petitioner asserts that the Notice dated December 29, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice 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 Notice was not received; and
3. a copy of the docket record where the non-received Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner' 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 April 16, 2010 Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 3653 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of December 29, 2009. The period for paying the issue and publication fees will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

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OFFICE OF PETITIONS

In re Application of :
Amir Genosar :
Application No. 11/781,383 : ON PETITION
Filed: July 23, 2007 :
Attorney Docket No. 74881.830001.US1 :

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

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment in response to the Notice of Drawing Inconsistency with Specification; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

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

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: 05/10/2010

Applicant	: Theodore W. Houston	: DECISION ON REQUEST FOR
Patent Number	: 7626852	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/781,392	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **105** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040

In re Patent No. 7,530,455 :
Marco Lucchi : LETTER REGARDING
Issue Date: May 12, 2009 : PATENT TERM ADJUSTMENT
Application No. 11/781,405 : AND NOTICE OF INTENT
Filed: July 23, 2007 : TO ISSUE CERTIFICATE
Attorney Docket No. 031529.00115 : OF CORRECTION

This is in response to the "LETTER REGARDING PATENET TERM ADJUSTMENT PERIOD" filed May 14, 2009. Pursuant to patentees' duty of good faith and candor to the Office, patentees request 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 patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of ninety-seven (97) days.

Patentees are given **THIRTY (30) DAYS or ONE MONTH, whichever is longer,** from the mail date of this decision to respond to this decision. No extensions of time will be granted under 37 CFR 1.136.

On April 22, 2009, the above-identified application matured into US Patent No. 7,530,455 with patent term adjustment of 99 days. On May 14, 2009, applicants submitted the instant comment. Patentees disclose that they believe that the patent term adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) is incorrect and should be recalculated. Specifically, patentees state that:

> ...Patentee mailed the Issue Fee payment to the Office on March 31, 2009. PAIR indicates the Issue Fee as received on April 2, 2009, and that the

> payment was verified on March 31, 2009. Patentee believes that the "Issue Fee Payment Verified" date indicated on PAIR is incorrect.

Excerpt from Letter Regarding Patent Term Adjustment Period filed May 14, 2009, page 1

A review of the application history reveals that applicants are correct. The Notice of Allowance and Issue Fee Due was mailed December 31, 2008. The issue fee was received by the Office on April 2, 2009[1]. It is noted that 37 CFR 1.704(b) provides that:

> [w]ith respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment in § 1.703 shall be reduced by the number of days, if any, beginning on the date after the date that is three-months after the date of the mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three- month period set forth in this paragraph.

The date that was three months after the mailing of Notice of Allowance and Issue Fee Due was April 1, 2009. The issue fee was not paid until April 2, 2009. Thus, patentee failed to engage in reasonable efforts to conclude processing of the application. The period for adjustment should have been reduced by two (2) days pursuant to 37 CFR 1.704(b), counting the number of days beginning on the date after the date that is three months after the date of the mailing of the Notice of Allowance and Issue Fee Due, April 1, 2009, and ending on the date the issue fee was received, April 2, 2009. Accordingly, a period of reduction of two (2) days will be entered.

In view thereof, the patent should have issued with a revised Patent Term Adjustment of ninety-seven (97) days.

---

[1] It is noted that the receipt of the issue fee payment on April 2, 2009, was made timely by the presence of a certificate of mailing under 37 CFR 1.8 dated March 31, 2009, on the Issue Fee Transmittal Form filed April 2, 2009. Pursuant to 37 CFR 1.703(f), however, the date indicated on the certificate of mailing or transmission under 37 CFR 1.8 is not taken into account when determining the date that is three months after a rejection, objection, argument, or other request under 37 CFR 1.704(b).

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 patentees for their good faith and candor in bringing this to the attention of the Office.

This application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended, or adjusted, by ninety-seven (97) days.

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 DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,530,455 B2

DATED : May. 12, 2009

INVENTOR(S) : Lucchi

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (99) days

Delete the phrase "by 99 days" and insert – by 97 days--

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OFFICE OF PETITIONS

TOWNSEND AND TOWNSENF
AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111

In re Application of :
Yaron YAGODA, et al :
Application No. 11/781,426 : DECISION ON PETITION
Filed: July 23, 2007 : TO WITHDRAW
Attorney Docket No. 017900-006800US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 28, 2007.

The request is **APPROVED**.

A review of the file record indicates that Phillip H. Albert: (1) does not have power of attorney in this patent application; and (2) has not been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Phillip H. Albert 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 of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) the intervening assignee of the entire interest. All future communications from the Office will be directed to the first named signing inventor or the assignee of the entire interest under 37 C.F.R. §3.71 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 inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: YARON YAGODA
36 ZIRELSON STREET
TEL AVIV, ISRAEL

BUCKLEY, MASHOFF & TALWALKAR
50 LOCUST AVENUE
NEW CANAAN, CT 06840

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United States Patent and Trademark Office
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DINSMORE & SHOHL LLP
FIFTH THIRD CENTER, ONE SOUTH MAIN STREET
SUITE 1300
DAYTON, OH 45402-2023

Mail Date: 04/27/2010

Applicant	: Marvin D. Burns	: DECISION ON REQUEST FOR
Patent Number	: 7628343	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/781,437	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **74** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

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

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Mikael Lang	:	DECISION ACCORDING STATUS
Application No. 11/781,458	:	UNDER 37 CFR 1.47(b)
Filed: July 23, 2007	:	
Atty Docket No. 312400US8X	:	

This is in response to the SUBMISSION UNDER 37 C.F.R. §1.47(b) filed March 4, 2008.

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

The above-identified application was filed on July 23, 2007, with an application data sheet but without an executed oath or declaration. Accordingly, on August 6, 2007, the Office mailed a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL 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, rule 47(b) applicant filed the instant petition, made timely by an accompanying petition and fee for response within the fifth month.

§1.47(b) provides that:

> Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the

> matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

Accordingly, a grantable petition under 37 CFR §1.47(b) requires: (1) an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64 or 1.175; (2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64; (3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (4) the petition fee; (5) a statement of the last known address of the non-signing inventor; (6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention; and (7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

The declaration is signed by Philip Crowhurst, as company secretary of the 47(b) applicant. By declaration of facts of Nicolas Rose, and supporting documentary evidence, petitioner has shown that inventor Lang has refused to join in the application after having been presented with the application papers. This includes a copy of a letter sent to the inventor evidencing that he was presented with a copy of the specification. Further, submitted is a copy of an e-mail wherein inventor Lang states he will not sign. Receipt of the petition fee is acknowledged. The petition includes a statement of the last known address of the non-signing inventor. Petitioner includes a copy of a LEGAL MEMORANDUM indicating agreement to assign the invention. The petition includes a statement that the instant application is directed to an invention disclosure by inventor Lang to the assignee within the scope of the employment agreement and a statement of

inventorship by Michael Williams. Finally, rule 47(b) applicant states that the assignee indicates that the filing of the application is necessary to preserve the rights of the parties by preventing the present application from being abandoned.

The declaration filed March 4, 2008 has been reviewed and found acceptable. This application is hereby accorded Rule 1.47(b) 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 may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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MIKAEL CARL LANG
43B The Avenue
Surbiton
Surrey KT5 8JW
United Kingdom

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OFFICE OF PETITIONS

In re Application of	:	
Mikael Lang	:	
Application No. 11/781,458	:	LETTER
Filed: July 23, 2007	:	
Atty Docket No. 312400US8X	:	

Dear Mr. Lang:

You are named as sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to 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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/781,473	07/23/2007	Koichiro BAN	312500US2RD	5958

7590 02/24/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
TORRES, JUAN A

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
02/24/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Date:
02/24/2010 2033333287

Credit Card Refund Total: $[illegible]

Adjustment date: 02/24/2010 NFARMER
07/24/2007 INTEFSW 00000190 11781473
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: David A. Antonetti	: DECISION ON REQUEST FOR
Patent Number	: 7585865	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/781,498	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/23/2007	: 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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Buchanan, Ingersoll & Rooney LLP
P.O. Box 1404
Alexandria, VA 22313-1404

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OFFICE OF PETITIONS

In re Application of	:	
Gary Van Zant, et al.	:	
Application No. 11/781,533	:	DECISION ON PETITION
Filed: July 23, 2007	:	TO WITHDRAW
Attorney Docket No. 104072.B870294	:	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 11, 2008.

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

A review of the file record indicates that the power of attorney to Buchanan, Ingersoll & Rooney LLP has been revoked by the assignee of the patent application on April 21, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Crowell & Moring LLP**
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

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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.
11/781,542	07/23/2007	Seiichi URAMOTO	312487US2	6074

7590 02/24/2009

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

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

NOTIFICATION DATE	DELIVERY MODE
02/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 02/23/2009 BPOWELL
07/24/2007 INTEFSW 00001018 11781542
02 FC:1111 -500.00 OP

Refund Ref:
02/23/2009 0030066943

Credit Card Refund Total: $700.00

Am Exp..: XXXXXXXXXXX1009

Adjustment date: 02/23/2009 BPOWELL
07/24/2007 INTEFSW 00001018 11781542
02 FC:1111 -500.00 OP

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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Ralph C. STRUTHERS, et al :
Application No. 11/781,549 : DECISION ON PETITION
Filed: July 23, 2007 : TO WITHDRAW
Attorney Docket No. M-15154-2C 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 September 17, 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 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, since the change of correspondence address is not that of an assignee who has properly become of record under 37 CFR 3.71, the Office cannot grant the request to withdraw from record at this time.

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

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

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

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

/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

In re Application of	:	
Ralph C. STRUTHERS, et al	:	
Application No. 11/781,549	:	DECISION ON PETITION
Filed: July 23, 2007	:	TO WITHDRAW
Attorney Docket No. M-15154-2C US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 5, 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 Tom Chen on behalf of the attorneys of record associated with Customer Number 32605.

The attorneys of record associated with Customer Number 32605 have been withdrawn.

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

The correspondence address of record has been charged 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 C. Goodwyn/
Petitions Examiner
Office of Petitions

cc: RALPH C. STRUTHERS
1259 JACKIE LANE
SANTA MARIA CA 93454

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/781,549	07/23/2007	Ralph C. Struthers	M-15154-2C US

CONFIRMATION NO. 6082

POWER OF ATTORNEY NOTICE

32605
Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

Date Mailed: 11/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/05/2009.

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

/dcgoodwyn/

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

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BORDEN LADNER GERVAIS LLP
Anne Kinsman
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA, ON K1P 1J9
CANADA

Mail Date: 04/20/2010

Applicant	: Hong Beom PYEON	: DECISION ON REQUEST FOR
Patent Number	: 7593281	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/781,581	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **36** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/781,600	07/23/2007	Kenji HAYASHI	133322	6164

27049 7590 12/01/2009

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

EXAMINER	
GREEN, TRACIE Y	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
12/01/2009	ELECTRONIC

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

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

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

OfficeAction27049@oliff.com
jarmstrong@oliff.com

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

In re Application of
Kenji Hayashi
Application No.: 11/781,600
Filed: 23 June 2007
Attorney Docket No.: 133322
For: ORGANIC ELECTROLUMINESCENCE DEVICE, MANUFACTURING METHOD THEREFOR, AND ELECTRONIC APPARATUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 14 October 2009, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority to an application filed in the JPO, or
   ii. validly claims priority to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 3, 5, 6, and 7 above are considered to have been met.
However, the request to participate in the PPH program fails to meet requirement 4.

Regarding requirement 4, examination of the instant U.S. application has already begun. The First Office Action on the merits (FAOM) was issued and mailed to the Applicant on 16 November 2009.

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.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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Leighton K. Chong
133 Kaai Street
Honolulu HI 96821

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NOV 26 2008

In re Application of :
TAKAYANAGI, MAKOTO :
Application No. 11/781,637 : DECISION ON PETITION
Filed: 07/23/2007 :
Attorney Docket No. TSU-P20-D2 :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed April 25, 2008, and resubmitted on November 10, 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 timely respond to the Notice to File Corrected Application Papers of August 7, 2007, which set a two-month extendable period for reply. A reply was due on or before Tuesday, October 9, 2007. A Notice of Abandonment was mailed on April 17, 2008.

Petitioner states that a reply was timely filed. To support this assertion, petitioner has submitted a copy of a return receipt date-stamped postcard, acknowledging the submission of 13 sheets of corrected drawings on August 23, 2007. A copy of the previously submitted reply accompanies the petition.

The reply in the form of 13 sheets of drawings, which the USPTO acknowledged as received on August 23, 2007, is not of record in the application file and has not been located to date. However, MPEP 503 states "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The Office will accept the copy of the reply supplied with the petition in place of the reply shown to have been received by the USPTO on August 23, 2007.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received with petition.

Telephone inquires regarding this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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LEIGHTON K. CHONG
133 KAAI STREET
HONOLULU HI 96821

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SEP 02 2008

In re Application of	:	
Takayanagi	:	
Application No. 11/781,647	:	DECISION
Filed: 23 July, 2007	:	
Attorney Docket No. TSU-P20-D3	:	

This is a decision on the petition filed on 25 April, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply to the Notice to File Corrected Application Papers mailed on 8 August, 2007, with reply due absent extension of time on or before 8 October, 2007.

The application went abandoned by operation of law after midnight 8 October, 2007.

The Office mailed the Notice of Abandonment on 17 April, 2008.

On 25 April, 2008, Petitioner filed the instant petition averring, *inter alia*, that a reply in the form of Corrected Drawings was filed on 23 August, 2007, and evidenced that with what was averred to be true copies of the date-stamped ("AUG 23 2007") receipt card and of the reply in the form of 13 sheets of drawings previously submitted over a 20 August, 2007, certificate of mailing.

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 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]

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 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).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[2] (*See*, also, the commentary at MPEP §711.03(c)(I)(A) and (B).) And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing required.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **granted** and the 17 April, 2008, Notice of Abandonment is **vacated**.

The instant application is released to Office of Patent Application Processing (OPAP) 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 OPAP in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the OPAP where that change of status must be effected.

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

---

[2] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

[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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OSHA, LIANG LLP / SMITH
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

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AUG 15 2008

In re Application of	:	
Shen et al.	:	
Application No. 11/781,648	:	ON PETITION
Filed: July 23, 2007	:	
Attorney Docket No. 06-GD02(1)	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed Oath/Declaration, Replacement Drawings, basic filing fee, additional claims fee and late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

This matter is being referred to the Office of Patent Application Processing for further processing. Thereafter, the matter will be referred to Technology Center 3600.

Liana Walsh
Petitions Examiner
Office of Petitions

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05 MAR 2008

22195
HUMAN GENOME SCIENCES INC.
Intellectual Property Department
14200 Shady Grove Road
Rockville, MD 20850

In re Application of :
ROSEN *et al* :
U.S. Application No.: 11/781,665 :
Filing Date: July 23, 2007 : **DECISION**
Attorney Docket No.: PS950D1C1 :
For: HUMAN SECRETED PROTEINS :

This decision is in response to applicants' "Petition for Correcting the Filing Date of a Parent Application and Second Request for Corrected Filing Receipt" filed on January 23, 2008 which s hereby **DISMISSED** as follows:

Applicants request to correct the filing receipt in the above-captioned application to indicate that the international filing date ("IFD") in PCT/US2001/013318, a continuation-in-part (CIP) of the subject application, is incorrect. The IFD of PCT/US2001/013318 is listed as April 26, 2001. Applicants claim that the proper IFD is April 27, 2001. It is noted that this request should be filed in PCT/US2001/013318. Nonetheless, the request will be decided on the merits.

A review of PCT/US2001/013318 shows that the IFD is listed in USPTO records as April 26, 2001. All papers are stamped as received on April 26, 2001 in PCT/US2001/013318. Moreover, the international publication ("WO/2001/083510") also notes that the IFD is April 26, 2001. In the subject petition, applicants assert that the IFD of PCT/US2001/013318 is April 27, 2001. However, applicants have provided no evidence supporting this claim. As such, the evidence contained in the records will not be overturned. Applicants' request for a corrected filing receipt is dismissed.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. This application is being forwarded to Technology Center 1600 for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO CA 91436

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SEP 15 2008

In re Application of :
DANIELI, Patricia :
Application No. 11/781,730 : DECISION ON PETITION
Filed: July 23, 2007 : TO WITHDRAW
Attorney Docket No. **22875-001** : 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 18, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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: **PATETL & ALUMIT PC**
16830 VENTURA BLVD
SUITE 360
ENCINO, CA 91436

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/781,763	07/23/2007	Jong-ho LEE	Q101780	6407

7590 02/20/2009

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

EXAMINER	
OMETZ, DAVID LOUIS	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
02/20/2009	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: 02/20/2009 NFARMER
07724/2007 INTEFSW 00002981 194880 11781763
02 FC:1111 500.00 CR
04 FC:1202 550.00 CR
05 FC:1201 200.00 CR

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Patrea L. Pabst
Pabst Patent Group LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, GA 30361

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OCT 1 5 2008

OFFICE OF PETITIONS

In re Application of
Stephen Robert Bloom et al.
Application No. 11/781,773
Filed: July 23, 2007
Attorney Docket No. 37-80

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 19, 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 Charles Vorndran and all attorneys/agents associated with customer number 23579 has been revoked by the applicant of the patent application on October 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Nixon & Vanderhye, PC
901 North Glebe Road
11th Floor
Arlington, VA 22203

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SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON CO 80120

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JAN 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Messier :
Application No. 11/781,818 : ON PETITION
Deposited: September 12, 2007 :
Attorney Docket No. GENO200.2/CIP4 :

This is in response to the "PETITION FOR A FILING DATE OF JULY 23, 2007, PURSUANT TO AN AMENDMENT UNDER 37 C.F.R. 1.57(a) CLAIMING BENEFIT ACCORDING TO THE PROVISIONS OF 37 CFR 1.57(a)," filed October 4, 2007, requesting that the above-referenced application be accorded a filing date of July 23, 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 July 23, 2007. However, on August 23, 2007, the Office of Patent Application Processing.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, On September 12, 2007, applicant filed an amendment under 37 CFR 1.57(a), including the inadvertently omitted drawings. It is noted that the September 12, 2007 filing was not captioned as a petition. However, there was an authorization to charge required fees to a deposit account. The Office mailed a new filing receipt, dated September 21, 2007, that listed the application's filing date as September 12, 2007. In response, applicant filed the present petition requesting that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78. Additionally, petitioner requests the Office accord the application a filing date of July 23, 2007.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of July 23, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to July 23, 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 September 12, 2007 and resubmitted with the present petition on October 4, 2007 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Charles Pearson
Director
Office of Petitions

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

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OFFICE OF PETITIONS

In re Application of :
LERMAN, David R. et al. :
Application No. 11/781,830 : DECISION ON PETITION
Filed: July 23, 2007 : TO WITHDRAW
Attorney Docket No. **300020-00010** : 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 23, 2008.

The request is not approved because it is **moot.**

A review of the file record indicates that the power of attorney to ORRICK, HERRINGTON & SUTCLIFFE, LLP has been revoked by the assignee of the patent application on June 23, 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
Paralegal Specialist
Office of Petitions

cc: **SILVERSKY GROUP LLC**
5422 LONGLEY LANE, SUITE B
RENO NV 89511

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WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP
1650 ARCH STREET, 22ND FLOOR
PHILADELPHIA PA 19103-2334

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MAR 13 2008

OFFICE OF PETITIONS

In re Application of :
Christopher Hahn : DECISION ON PETITION
Application No. 11/781,835 : UNDER 37 CFR 1.47(a)
Filed: 07/23/2007 :
Attorney Docket No. AKR002-003-US :

This is in response to the petition under 37 CFR 1.47(a) filed January 14, 2008.

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

Petitioners filed the above-identified application on July 23, 2007, without an executed declaration. On August 13, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), requiring an executed oath or declaration, a surcharge for its late filing, and replacement drawings. The Notice set a two-month extendable period for reply.

On January 14, 2008, petitioners submitted the present petition under 37 CFR 1.47(a), a petition fee, a surcharge, and a request for an extension of time for response within the third month (and fee). Additionally, petitioners filed a declaration, identifying Christopher Hahn as an inventor, which Mr. Hahn signed.

In the petition, petitioners assert that there are two inventors in this application, Christopher Hahn and Hanjoo Lee. Petitioners request that the Office accept the application made by Mr. Hahn on behalf of himself and Mr. Lee. Petitioners explain that they cannot reach or locate Mr. Lee after diligent effort.

37 CFR 1.41(a)(1) defines the inventorship of a nonprovisional application as that inventorship set forth in the oath or declaration filed to comply with the requirements of 37 CFR 1.63. MPEP 605. The Office notes that the executed declaration filed on January 14, 2008, identifies only Christopher Hahn as the inventor. Thus, the inventorship of this application, as set forth in 37 CFR 1.41(a)(1), consists of only Christopher Hahn, as the sole inventor.

As all named inventors have signed the declaration, no Rule 47(a) issue exists. The petition is dismissed as moot.

A petition under 37 CFR 1.48(a) is required if petitioners desire to add Hanjoo Lee as a joint inventor. Additionally, a petition under 37 CFR 1.47(a) will be required if Mr. Lee refuses or cannot be located to sign the declaration. Furthermore, if Mr. Lee refuses or cannot be located to sign the declaration and/or statement of lack of deceptive intent required under 37 CFR 1.48(a)(3) and (a)(2), respectively, petitioners must also submit a petition under 37 CFR 1.183 to waive 37 CFR 1.48(a)(2) and (a)(3) with a $400.00 fee.

If petitioners desire, they may request a refund of the $200.00 fee for filing a petition under 37 CFR 1.47(a), by writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

In the alternative, petitioners may request that the USPTO apply the $200.00 fee to any future petition fee. A copy of this decision should accompany either request.

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

Correspondence may also be submitted via EFS-Web.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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1650 ARCH STREET, 22ND FLOOR
PHILADELPHIA PA 19103-2334

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MAR 13 2008

OFFICE OF PETITIONS

In re Application of :
Christopher Hahn : DECISION ON PETITION
Application No. 11/781,835 : UNDER 37 CFR 1.47(a)
Filed: 07/23/2007 :
Attorney Docket No. AKR002-003-US :

This is in response to the petition under 37 CFR 1.47(a) filed January 14, 2008.

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

Petitioners filed the above-identified application on July 23, 2007, without an executed declaration. On August 13, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), requiring an executed oath or declaration, a surcharge for its late filing, and replacement drawings. The Notice set a two-month extendable period for reply.

On January 14, 2008, petitioners submitted the present petition under 37 CFR 1.47(a), a petition fee, a surcharge, and a request for an extension of time for response within the third month (and fee). Additionally, petitioners filed a declaration, identifying Christopher Hahn as an inventor, which Mr. Hahn signed.

In the petition, petitioners assert that there are two inventors in this application, Christopher Hahn and Hanjoo Lee. Petitioners request that the Office accept the application made by Mr. Hahn on behalf of himself and Mr. Lee. Petitioners explain that they cannot reach or locate Mr. Lee after diligent effort.

37 CFR 1.41(a)(1) defines the inventorship of a nonprovisional application as that inventorship set forth in the oath or declaration filed to comply with the requirements of 37 CFR 1.63. MPEP 605. The Office notes that the executed declaration filed on January 14, 2008, identifies only Christopher Hahn as the inventor. Thus, the inventorship of this application, as set forth in 37 CFR 1.41(a)(1), consists of only Christopher Hahn, as the sole inventor.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUL 27 2009

OFFICE OF PETITIONS

SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER, CO 80202

In re Application of :
Craig A. WEAVER, et al. :
Application No. 11/781,870 : DECISION GRANTING PETITION
Filed: July 23, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **2997-49-1-8-C3** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1656 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, GA 94025

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
SURESH, Nallan C. et al. :
Application No. 11/781,887 : DECISION ON PETITION
Filed: July 23, 2007 : TO WITHDRAW
Attorney Docket No. **ISAA0047C** : 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 01, 2008.

The request is **NOT APPROVED.**

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

The request cannot be approved because the declaration filed on July 23, 2007 is improper. The addresses for all inventors were not provided.

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: **JAMES CLEARY**
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
9255 TOWNE CENTRE DRIVE, SUITE 600
SAN DIEGO, CA 92121

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United States Patent and Trademark Office
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3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
SURESH, Nallan C. et al. :
Application No. 11/781,887 : DECISION ON PETITION
Filed: July 23, 2007 : TO WITHDRAW
Attorney Docket No. **35006-545C01US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 04, 2009.

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

A review of the file record indicates that the power of attorney to Glenn Patent Group has been revoked by the assignee of the patent application on March 03, 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: **MINTZ, LEVIN, COHN, FERRIS, GLOVSKY**
AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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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VERMETTE & CO.
SUITE 320 - 1177 WEST HASTINGS STREET
VANCOUVER BC V6E2K-3 CA CANADA

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Victor Diduck	:	
Application No. 11/781,893	:	DECISION ON PETITION
Filed: July 23, 2007	:	TO WITHDRAW
Attorney Docket No. 2027-118	:	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 9, 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 Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Benson Edwards LLP**
200-270 Hwy 33 W
Kelowna BC V1X 1X7
Canada

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P.O. Box 1450
Alexandria, VA 22313-1450
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Vermette & Co.
Suite 320-1177 West Hastings Street
Vancouver, BC V6E 2K3
Canada

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MAY 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Victor Diduck	:	
Application No. 11/781,893	:	DECISION ON PETITION
Filed: July 23, 2007	:	TO WITHDRAW
Attorney Docket No. 2027-118	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 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 Denis R. O'Brien 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: **Victor Diduck**
330 Madsen Road
Kelowna, BC V1X 2C2
Canada

cc: **Benson Edwards LLP**
200-270 Hwy 33 West
Kelowna, BC V1X 1X7
Canada

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
11/781,893	07/23/2007	Victor Diduck	2027-118

CONFIRMATION NO. 6612

POWER OF ATTORNEY NOTICE

32084
VERMETTE & CO.
SUITE 320 - 1177 WEST HASTINGS STREET
VANCOUVER, BC V6E2K3
CANADA

OC000000030154668

Date Mailed: 05/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/31/2008.

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

/tswilliams/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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FENNEMORE CRAIG
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, AZ 85012

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FEB 12 2008

OFFICE OF PETITIONS

In re Application of
Galit Rotman et al.
Application No. 11/781,905
Filed: July 23, 2007
Attorney Docket No. 15872.037

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

This is in response to the petition filed January 23, 2008 under 37 CFR 1.47(a).

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

The above-identified application was filed on July 23, 2007, without an oath or declaration. Accordingly, on September 25, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), a two month extension of time request and an oath or declaration signed by all joint inventors except Hanqing Xie was filed. The petition argues that joint inventor Xie refuses to execute the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

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

The petition bears proof that the application papers were forwarded to and received by joint inventor Xie and that to date, he has not returned an executed copy of the oath or declaration.

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

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petitioners are advised however that the fee for a petition is $200 not $130 as was indicated in the petition. Thus, petitioner's deposit account no. 06-0590 has been properly charged in the amount of $200 for the petition.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 18 2010

OFFICE OF PETITIONS

SHARON KENNEDY
KENNEDY LAW OFFICE, LLC
4105 TIDEWATER COURT
ALEXANDRIA, VA 22309

In re Application of :
Xie et al. :
Application No. 11/781,910 :
Filed: July 23, 2007 :
Attorney Docket No. 0501-002 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Sharon E. Kennedy, on behalf of all the practitioners of record.

Sharon E. Kennedy has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

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

There 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: PING XIE
20 OLD CONNETICUT PATH
ASHLAND MA 01721

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
11/781,910	07/23/2007	Ping Xie	0501-002

CONFIRMATION NO. 6636

POWER OF ATTORNEY NOTICE

60616
PING XIE
20 OLD CONNETICUT PATH
ASHLAND, MA 01721

Date Mailed: 06/18/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2010.

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

/atkelley/

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

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AUG 13 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

ROSSI, KIMMS & McDOWELL LLP.
20609 Gordon Park Square, Suite 150
Ashburn VA 20147

In re Application of :
SHIRAI, KENICHI :
Application No. 11/782,041 :
Filed: July 24, 2007 :
Attorney Docket No. CANO:554 :

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 21, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

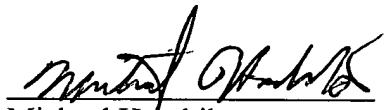
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NIELDS LEMACK & FRAME, LLC
176 E. MAIN STREET
SUITE #5
WESTBOROUGH, MA 01581

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DEC 14 2009

OFFICE OF PETITIONS

In re Application of :
Leslie Bromberg et al :
Application No. 11/782,050 : DECISION ON PETITION
Filed: July 24, 2007 : TO WITHDRAW
Attorney Docket No. 758P008 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 9, 2009.

The request is **APPROVED**.

A review of the file record indicates that John D. Lanza: (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, John D. Lanza 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: John D. Lanza
Two International Place
Boston, MA 02110

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.
11/782,069	07/24/2007	Kenichiro YAMASHITA	CK-US075152	6941

7590 04/08/2010
GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER
ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
04/08/2010	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: 04/08/2010 NFARMER
07/24/2007 INTERF. 00006836 501[illegible] 11782069
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

Mail Date: 04/20/2010

Applicant	: Jon R. Kodi	: DECISION ON REQUEST FOR
Patent Number	: 7587872	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/782,092	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK D. SARALINO (SHARP)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

Mail Date: 04/21/2010

Applicant	: Rakesh Roshan	: DECISION ON REQUEST FOR
Patent Number	: 7605011	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/782,150	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **274** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

JUN 18 2008

In re Application of: Jacobi, Robert W.
Serial No.: 11/782,164
Filed: July 24, 2007
Title: THERMAL STORAGE UNIT FOR AIR CONDITIONING APPLICATIONS

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 July 24, 2007, and a further petition filed March 7, 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 Statement of Pre-Examination Search, an Accelerated Examination Support Document, and a completely filed 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 Federal Register of June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. 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. In his absence, inquiries can be addressed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

encl. "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),

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90 days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–10044 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2006–0014]

Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office.

DATES: *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

FOR FURTHER INFORMATION CONTACT: Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7726, or by facsimile at (571) 273–7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to *MPEPFeedback@uspto.gov*, or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313–1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217–9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

SUPPLEMENTARY INFORMATION: New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. *See* 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date 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 this notice. See Part VIII, for more information on eligibility.

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. *See* 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. *See* Part VIII (subsection Conditions for Examination) for more information.

(5) 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.

(6) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

(A) This preexamination search must 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 source and includes such a justification with this statement.

(B) This preexamination search must be directed to the claimed invention and

encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(C) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (*see* item 9) will be treated as not fully responsive and will not be entered. *See* Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. *See* 37 CFR 1.56 and 10.18.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) An accelerated examination support document must include 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.

(B) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(C) The accelerated examination support document must include 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).

(D) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(E) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 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 U.S.C. 112, ¶ 6; and (2) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6. 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 the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108–453, 118 Stat. 3596 (2004)).

Part II. Decision on Petition To Make Special: Applicant will be notified of the decision by the deciding official. If the application and/or petition does not meet all the prerequisites set forth in this notice for the application to be granted special status (including a determination that the search is deemed to be insufficient), the applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. In those instances in which the petition or accelerated examination support document is defective in one or more requirements, applicant will be given a single opportunity to perfect the petition or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. *See* Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

Part III. The Initial Action on the Application by the Examiner: Once the application is granted special status, the application will be docketed and taken up for action expeditiously (*e.g.*, within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If 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 (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (*e.g.*, a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. *See* Parts V and VI for more information on post-allowance and after-final procedures.

Part IV. Reply by Applicant: A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (*see* item 8 of Part I) or an updated accelerated examination support document (*see* next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered. *See* Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. *See* Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

Part V. Post-Allowance Processing: The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL–85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL–85; and (2) not file any post-allowance papers that are not required by the USPTO (*e.g.*, an amendment under 37 CFR 1.312 that was not requested by the USPTO).

Part VI. After-Final and Appeal Procedures: The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (*i.e.*, the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process, the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (*see* 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

Part VII. Proceedings Outside the Normal Examination Process: If an application becomes involved in proceedings outside the normal examination process (*e.g.*, a secrecy order, national security review, interference, or petitions under 37 CFR 1.181–1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

Part VIII. More Information: Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. *See* 37 CFR 1.155.

Form: Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at *http://www.uspto.gov/web/forms/index.html.*

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151–1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (*e.g.*, a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (Part II) does not apply to applications that are not in condition for examination on filing.

Reply Not Fully Responsive: If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

Withdrawal From Accelerated Examination: There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

The Twelve-Month Goal: The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of the application. The final disposition of an application, however, may occur later than the twelve-month timeframe in certain situations (*e.g.*, an IDS citing new prior art after the mailing of a first Office action). *See* Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651–0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6–10022 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: June 26, 2006.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely

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CST

8-30-07

In re application of :
Matthew C. Costa :
Serial No. 11/782,176 : DECISION ON PETITION
Filed: July 24, 2007 : TO MAKE SPECIAL
For: OMNI RSF TREATMENT SYSTEM FOR :
ENHANCED WATER AND WASTEWATER :
NUTRIENT REMOVAL :

This is a decision on the petition filed on July 24, 2007 to make the above-identified application special under the accelerated examination program.

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 "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

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

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete and in condition for examination, at the time of filing. Specifically, MPEP 708.02(a), section VIII, C3, requires that the application must

include an executed oath or declaration in compliance with 37 CFR 1.63. Note the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed on July 27, 2007, which indicates that the oath or declaration was missing at the time of filing.

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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JUL 02 2010

OFFICE OF PETITIONS

MATTHEW C. COSTA
P.O. BOX 128
465 EAST FALMOUTH HWY
EAST FALMOUTH MA 02536

In re Application of

Matthew C. Costa :

Application No. 11/782,176

: DECISION ON PETITION

Filed: July 24, 2007

:

Attorney Docket No.

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 3, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on July 4, 2009. A Notice of Abandonment was mailed December 16, 2009.

The amendment filed July 31, 2009, is noted.

The application is being forwarded to Technology Center 1700, GAU 1797 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921

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AUG 21 2009

OFFICE OF PETITIONS

In re Application of :
Robert P. Thomas :
Application No. 11/782,193 : DECISION ON PETITION
Filed: July 24, 2007 : TO WITHDRAW
Attorney Docket No. 070019; AT1-177 : 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 2, 2009.

The request is **APPROVED**.

Jeramie J. Keys; James D. Withers; Arno T. Naeckel; Daniel J. Layden have been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The request was signed by Jeramie J. Keys.

The correspondence address of record remains unchanged.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jeramie J. Keys
P.O. Box 71355
Marietta, GA 30007-1355

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Wildman, Harrold, Allen & Dixon
225 West Wacker Drive, Suite 2800
Chicago, IL 60606

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AUG 2 4 2007

OFFICE OF PETITIONS

In re Application of :
Mitchell J. Zaleski :
Application No. 11/782,207 : DECISION ON PETITION
Filed: July 24, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. P9611.002 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 24, 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 signed statement from the applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3725 for action on the merits commensurate with this decision.

Frances Hicks
Petitions Examiner
Office of Petitions

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SCHNADER HARRISON SEGAL & LEWIS, LLP
1600 MARKET STREET
SUITE 3600
PHILADELPHIA PA 19103

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SEP 15 2008

In re Application of :
BOLER, Lewyn B. Jr. :
Application No. 11/782,265 : DECISION ON PETITION
Filed: July 24, 2007 : TO WITHDRAW
Attorney Docket No. **3008835-0003-R** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 05, 2008.

The request is **APPROVED**.

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

The request was signed by Ronald Ventola, II on behalf of all attorneys of record who are associated with customer No. 22469. All attorneys/agents associated with the Customer Number 22469 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Lewyn Boler, Jr. at the address indicated below.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **LEWYN BOLER, JR.**
1000 EAST CHANNEL STREET
STOCKTON CA 95205

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ROBERT S. LIPTON, ESQUIRE
201 NORTH JACKSON STREET
P. O. BOX 934
MEDIA PA 19063-0934

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DEC 17 2007

OFFICE OF PETITIONS

In re Application of :
Frederick W. Piasecki :
Application No. 11/782,353 : DECISION ON PETITION
Filed: July 24, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 5563-34.1 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 24, 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 attorney declaring that he the inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3644 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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JUN 06 2010

OFFICE OF PETITIONS

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of :
Enrico Cigarini :
Application No. 11/782,452 :
Filed: July 24, 2007 :
Attorney Docket No. **BUG8-42560** :

ON PETITION

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE ID 83701

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JUL 06 2010

OFFICE OF PETITIONS

In re Application of :
Martin Smith et al. :
Application No. 11/782,482 : ON PETITION
Filed: July 24, 2007 :
Attorney Docket No. 4419 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2010, 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 final Office action mailed, July 30, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 31, 2009. A Notice of Abandonment was mailed on February 17, 2010.

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

As to item (3) the statement of unintentional delay is presently not acceptable since the petition was not signed by all of the inventors.

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

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

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Martin Smith
6 Trent Close, Burntwood
Staffordshire, UK WS7 9JH

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HARRITY & HARRITY, LLP
11350 RANDOM HILLS ROAD
SUITE 600
FAIRFAX VA 22030

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FEB 25 2010

In re Application of	:	
Martirosian et al.	:	
Application No. 11/782,507	:	ON PETITION
Filed: July 24, 2007	:	
Attorney Docket No. AF01600D	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 14, 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 2812 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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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: 06/24/2010

Applicant	: James D. Gallia	: DECISION ON REQUEST FOR
Patent Number	: 7638412	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/782,523	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. 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	11/782,543	Confirmation Number	7751	Filing Date	2007-07-24
Attorney Docket Number (optional)	DGCM-01022US0	Art Unit	2618	Examiner	
First Named Inventor	Gabriel K. Wong				
Title of Invention	COMMUNICATION SYSTEM WHEREIN AFTER A REQUEST, DATA IS TRANSFERRED FROM A FIRST NODE TO A SECOND NODE THROUGH A CONTROLLER AND ACKNOWLEDGMENT IS MADE BY THE NODES WHEN THE DATA IS RECEIVED				

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
Gabriel	K.	Wong	

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	/Thomas A. Ward/	Date (YYYY-MM-DD)	2008-04-07
Name	Thomas A. Ward	Registration Number	35732

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Gabriel K. Wong

Application No. 11782543

Filed: July 24,2007

Attorney Docket No. DGCM-01022US0

: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 07-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Paul M. POPOWSKI :
Application No. 11/782,557 : DECISION ON PETITION
Filed: July 24, 2007 :
Attorney Docket No. **H0014825-0562 (20641)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 09, 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 August 07, 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 October 08, 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 drawings, (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 August 07, 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
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11782557 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
05/12/2008	00005587	4	1453	$1,540.00	05/09/2008	DA 191013
07/25/2007	00004652	4	1011	$300.00	07/24/2007	DA 191013
07/25/2007	00004653	4	1111	$500.00	07/24/2007	DA 191013
07/25/2007	00004654	4	1311	$200.00	07/24/2007	DA 191013
07/25/2007	00004763	4	8021	$40.00	07/24/2007	DA 191013

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)	Docket No. H0014825-0562 (20641)

In Re Application Of: **Paul M. Popowski**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
11/782,557	7/24/07	unassigned	00128		7774

Invention: **INTEGRATED ONLINE DOOR VIA ELECTRONIC DOOR HANDLE**

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 appliation 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, petitioner/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

Dated: **May 9, 2008**

Paul J. Esatto, Jr., Reg. No. 30,749
Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343

I hereby certify that this correspondence is being deposited with the United States Postal Service 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" [37

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc:

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RIGEL PHARMACEUTICALS INC
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of
Rajinder Singh et al
Application No. 11/782,581
Filed: July 24, 2007
Attorney Docket No. 064311-1568

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 19, 2009.

The request is **APPROVED**.

The request was signed by Gerald F. Swiss on behalf of all attorneys of record who are associated with customer No. 69588.

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

All future correspondence will be directed to assignee Rigel Pharmaceuticals, Inc at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Rigel Pharmaceuticals, Inc.
1180 Veterans Boulevard
South San Francisco, CA 94080

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OFFICE OF PETITIONS

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

In re Application of :
Kia Silverbrook, et. al. :
Application No. 11/782,595 : DECISION ON PETITION
Filed: July 24, 2007 :
Attorney Docket No. MTC014US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 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 October 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 a substitute specification, claims and abstract, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

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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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

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SEP 02 2008

In re Application of :
Kia SILVERBROOK et al. :
Application No. 11/782,596 : DECISION ON PETITION
Filed: July 24, 2007 :
Attorney Docket No. NPX056US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 05, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed August 07, 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 October 10, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the corrected application papers; (2) the petition fee of $1,540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Corrected Application Papers of August 07, 2007 is accepted as having been unintentionally delayed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

STIMSON, SHIN & ASSOCIATES, LLP
1730 M STREET, NW
SUITE 807
WASHINGTON DC 20036

In re Application of:
HUH, JUNG-CHUL
Serial No.: 11/782,610
Filed: July 24, 2007

Title: **APPARATUS AND METHOD FOR INPUTTING CHARACTER USING TOUCH SCREEN IN PORTABLE TERMINAL**

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 July 24, 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 and 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The 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: 345/173, 715/810, 815 and 840.

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; 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.

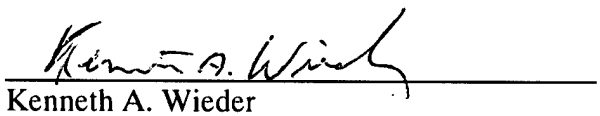
DECISION

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 Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.



Kenneth A. 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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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

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In re Application of :
KOROS et al. : DECISION ON PETITION
Application No. 11/782,611 :
Filed: 07/24/2007 :
Attorney Docket No. T-6110D :

This is a decision on the petition under 37 CFR 1.137(b), filed July 28, 2008, to revive the above-identified application.

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 under 37 CFR 1.137(b)." Extensions of this time period are available under 37 CFR 1.136(a). No additional fee is required for filing a renewed petition.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed August 7, 2007, which set a two-month extendable period to reply. The above-identified application became abandoned on October 8, 2007. A Notice of Abandonment was mailed on April 22, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

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

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

(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 § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The present petition does not satisfy requirement (1) above.

Applicants stated that they enclosed with the petition an Amended Application Data Sheet to include corrected domestic priority data as claimed by applicants. Applicants asserted: "With the correction to the claim of Priority Data, Applicants believe no further Declaration or Oath is needed as the present Application is a straight continuation application of the parent application U.S.S.N. 11,149,683."

The Office notes that pursuant to 37 CFR 1.63(d), applicants are required to submit a copy of the signed oath or declaration from the prior application. Specifically, 37 CFR 1.63(d) states:

(1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and

(iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.

As applicants have failed to submit a copy of the executed declaration filed in the prior application in response to the Notice of Missing Parts of Nonprovisional Application, the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b) have not been met. With any renewed petition, applicants must submit a complete and proper reply to the outstanding Notice.

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

Correspondence 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.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

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MAY 27 2009

OFFICE OF PETITIONS

In re Application of :
KOROS et al. : DECISION ON PETITION
Application No. 11/782,611 :
Filed: 07/24/2007 :
Attorney Docket No. T-6110D :

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

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 under 37 CFR 1.137(b)." Extensions of this time period are available under 37 CFR 1.136(a). No additional fee is required for filing a renewed petition.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed August 7, 2007, which set a two-month extendable period to reply. The above-identified application became abandoned on October 8, 2007. A Notice of Abandonment was mailed on April 22, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

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

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

(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 § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The present petition does not satisfy requirement (1) above.

With the present renewed petition, petitioners stated that they are submitted "a copy of the executed declarations which were filed in the prior application to the present continuation application." Unfortunately, the copy of the executed declarations accompanying this renewed petition is missing a portion of the first page identifying the first and second joint inventors.

The Office notes that pursuant to 37 CFR 1.63(d), applicants are required to submit a copy of the signed oath or declaration from the prior application. Specifically, 37 CFR 1.63(d) states:

(1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and

(iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.

(2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

With any renewed petition, applicants must file either: (1) a newly executed oath or declaration signed by the inventors for the continuation or divisional application; or (2) a complete copy of the declaration filed in the prior application accompanied by a statement from applicant, applicant's representative or other authorized party requesting the deletion of the names of the person or persons who are not inventors in the continuation or divisional application. See 37 CFR 1.63(d). "Where the continuation or divisional application and a copy of the oath or declaration from the prior application are filed without a statement from an authorized party requesting deletion of the names of any person or persons named in the prior application, the continuation or divisional application will be treated as naming as inventors the person or persons named in the copy of the executed oath or declaration from the prior application." MPEP 201.06(V).

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

Correspondence 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.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of :
KOROS et al. : DECISION ON PETITION
Application No. 11/782,611 :
Filed: 07/24/2007 :
Attorney Docket No. T-6110D :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed August 7, 2007, which set a two-month extendable period to reply. The above-identified application became abandoned on October 8, 2007. A Notice of Abandonment was mailed on April 22, 2008.

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

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.

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
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JENNIFER J. RIEL
9711 S. EASTERN AVE STE H-5 #65
LAS VEGAS NV 89183

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OFFICE OF PETITIONS

In re Application of :
KLING, Werner A. et al. :
Application No. 11/782,628 : DECISION ON PETITION
Filed: July 24, 2007 : TO WITHDRAW
Attorney Docket No. **5ELE-05P0** : 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 **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 Jennifer Riel, the sole attorney of record. Jennifer Riel has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Werner Kling 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: **WERNER ALECSANDER KLING**
MUNKERUDVOLLEN 7 A
OSLO 1165
NORWAY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

COPY MAILED

JAN 12 2010

In re Application of :
Jack B. Andersen et al :
Application No. 11/782,702 : ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. ELAN-01203US1

This is a decision on the petition, filed January 7, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 23, 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 2815 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

LAW OFFICES OF MARK L. BERRIER
3811 Bee Caves Road
Suite 204
Austin, TX 78746

MAILED

OCT 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Jack Anderson, et al.	:	
Application No. 11/782,708	:	DECISION ON PETITION
Filed: July 25, 2007	:	TO WITHDRAW
Attorney Docket No. D2A1440-2	:	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 January 15, 2009.

The request is **APPROVED**.

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

The request was signed by Mark L. Berrier 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 Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **D2Audio Corporation**
7600 B Capital of Texas Highway
Suite 130
Austin, TX 78731

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
11/782,708	07/25/2007	Jack B. Andersen	D2A1440-2

CONFIRMATION NO. 8056

POWER OF ATTORNEY NOTICE

42671
LAW OFFICES OF MARK L. BERRIER
3811 BEE CAVES ROAD
SUITE 204
AUSTIN, TX 78746

OC000000038337855

Date Mailed: 10/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/15/2009.

- 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.

/tsjohnson/

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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KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

COPY MAILED

OCT 2 2 2008

OFFICE OF PETITIONS

In re Application of :
Le-Yao Lin :
Application No. 11/782,737 : ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. 1002A-9447 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 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 file timely a substitute oath or declaration, pay the issue and publication fees on or before May 26, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 26, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 27, 2008.

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

The Office has received the supplemental declaration filed with the instant petition. However, the issue and publication fees have not been received. Petitioner has stated that the issue and publication fees have previously been paid on March 31, 2008. However, our records indicate that the fees have never been received or paid. Therefore, petitioner must provide proof that the fees have been previously paid. If petitioner can not show that the fees were in fact previously paid, then the issue and publication fees must be paid at the current fee schedule effective October 2, 2008, before this application can be revived.

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 JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Attorney/Agent Information for 11/782737

Customer # 69638

Attorney/Agent Name	Attorney/Agent Registration Number	Attorney/Agent Telephone Number
KAMRATH, ALAN	28227 (Attorney)	(763)374-2877
WECK, EDWARD	53752 (Attorney)	(952)920-8348

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign Data

Search Another: Application # [ ] Search or Patent# [ ] Search

PCT / [ ] / [ ] Search or PG PUBS # [ ] Search

Attorney Docket # [ ] Search

Bar Code # [ ] Search

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CONNECTOR FOR RECEIVING/PROTECTING ELECTRONIC CARD, the specification of which may be identified in the United States Patent and Trademark Office as Appln. No. 11/782,737 filed July 25, 2007.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

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 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: Le-Yao LIN		
Residence: same as mailing address		
Mailing Address: 13F, No. 880, Chung Cheng Rd, Chung Ho, Taipei Hsien, Taiwan		
Country: Taiwan, R.O.C.	Citizenship: Taiwan, R.O.C.	
Inventor's Signature: Le - Yao LIN		Date: July 31 , 2008

PTO/SB/64 (01-08)
Approved for use through 07/31/2008. 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): 1002A-9447

First named inventor: Le-Yao LIN

Application No.: 11/782,737 Art Unit: 2833

Filed: 07/25/2007 Examiner: Hammond

Title: Connector For Receiving /Protecting Electronic Card

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee

☑ Small entity-fee $ 770 (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 new decaration (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ 1020.

☑ has been paid previously on 3/31/2008.
☐ is enclosed herewith.

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

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

3. Terminal disclaimer with disclaimer fee

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

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

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

WARNING:

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

Signature	July 21, 2008 Date
Alan Kamrath Typed or printed name	28,227 Registration Number, if applicable
4825 Olson Memorial Highway, suite 245 Address	763-746-8125 Telephone Number
Golden valley MN 55422 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

11/782737 Examiner: HAMMOND, BRIGGITTE GAU: 2833
Inventor: LIN , LE-YAO Classification: 439/159.000
Status: 164 - ABANDONED -- FAILURE TO PAY ISSUE FEE
Title: CONNECTOR FOR RECEIVING/PROTECTING ELECTRONIC CARD
Start Date: End Date:

bib_fee report (5 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/21/2008	12466	4	2453	$770.00	07/21/2008	CC
07/26/2007	1830	4	8021	$40.00	07/25/2007	CC
07/25/2007	7940	4	4011	$75.00	07/25/2007	CC
07/25/2007	7941	4	2111	$250.00	07/25/2007	CC
07/25/2007	7942	4	2311	$100.00	07/25/2007	CC

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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KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

COPY MAILED
DEC 0 8 2008

In re Application of :
Le-Yao Lin :
Application No. 11/782,737 : ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. 1002A-9447 :

This is a decision on the renewed petition to withdraw holding of abandonment, filed October 27, 2008, which is being treated as a renewed petition under the unintentional provisions of 37 CFR 1.137(b) 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 file timely a substitute oath or declaration, pay the issue and publication fees on or before May 26, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 26, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 27, 2008.

Petitioner still has not met the requirements to have the instant petition revived. Although petitioner has submitted a copy of the (PTO-85B) issue fee transmittal stating that it was sent with a credit card payment form dated March 31, 2008. This information does not show proof that issue fee and publication fee were in fact paid. In the submitted copy of PTO-85B none of the boxes under 4b have been marked to indicate the mode of payment. Therefore, as stated in the previous decision mailed October 22, 2008, "petitioner must provide proof that the fees have been previously paid" (i.e., copy of credit card statement showing the amount charged to

petitioner's account). If petitioner can not show that the fees were in fact previously paid, then the issue and publication fees must be paid at the current fee schedule effective October 2, 2008, before this application can be revived.

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 JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RECEIVED
CENTRAL FAX CENTER
OCT 27 2008

Client Docket No. 1002A-9447

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App	:	Le-Yao Lin	:	Examiner: HAMMOND, BRIGGITTE R
Serial No.	:	11/782,737	:	Art Unit 2833
Filed	:	07/25/2007	:	Confirmation No. 8112
For	:	CONNECTOR FOR RECEIVING/PROTECTING ELECTRONIC CARD		

Ramesh Krishnamurthy
Petitions Examiner
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I CERTIFY THAT THIS PAPER IS BEING TRANSMITTED BY FACSIMILE AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON OCTOBER 27, 2008 (37 CFR 1.8a) VIA FACSIMILE NO. 571-273-8300.

Alan Kamrath

RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

In response to the Decision on Petition mailed October 22, 2008, enclosed are:

1) Part B-Fees Transmittal with Certificate of Transmission dated March 31, 2008 completed (which was sent with Credit Card Payment Form dated March 31, 2008); and

2) Auto-Reply Facsimile Transmission indicating 2 pages received and indicating Date Received: 03/31/2008 6:55:46 PM [Eastern Daylight Time].

Thus, it is respectfully submitted that the issue fees for this application were in fact paid.

If there are any obstacles to the withdrawal of abandonment, it is respectfully requested that the undersigned be contacted by telephone.

Respectfully submitted,
Le-Yao Lin

Alan Kamrath

Alan D. Kamrath
Kamrath & Associates, P.A.
Registration No. 28,227
4825 Olson Memorial Hwy, Suite 245
Golden Valley, MN 55422
Telephone: 763-746-1599
Facsimile: 763-746-8125

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

RECEIVED
CENTRAL FAX CENTER
OCT 27 2008

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

69638 7590 02/26/2008

KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY, MN 55422

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Alan Kamrath (Depositor's name)
(Signature)
3-31- 2008 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/782,737	07/25/2007	Le-Yao Lin	1002A-9447	8112

TITLE OF INVENTION: CONNECTOR FOR RECEIVING/PROTECTING ELECTRONIC CARD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$720	$300	$0	$1020	05/27/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
HAMMOND, BRIGGITTE R	2833	439-159000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 Alan Kamrath
2 Kamrath & Associates PA
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: TAI TWUN ENTERPRISE CO., LTD.
(B) RESIDENCE: (CITY and STATE OR COUNTRY): TAIPEI HSIEN, TAIWAN

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date 3-31- 2008

Typed or printed name Alan Kamrath Registration No. 28,227

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

PAGE 2/3 * RCVD AT 10/27/2008 12:29:18 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/3 * DNIS:2738300 * CSID:7637468125 * DURATION (mm-ss):01-42

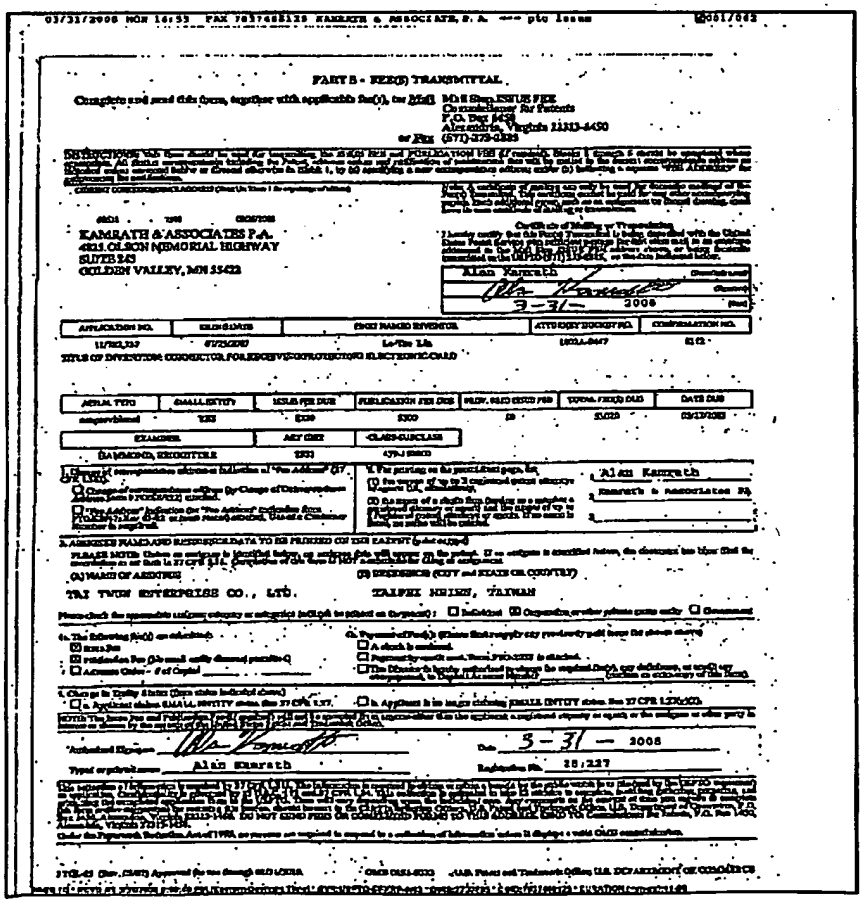
Auto-Reply Facsimile Transmission

TO: Fax Sender at 7637468125

Fax Information
Date Received: 3/31/2008 6:55:46 PM [Eastern Daylight Time]
Total Pages: 2 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received Cover Page =======>



03/31/2008 MON 16:53 FAX 7637468125 KAMRATH & ASSOCIATE, P. A. --- pto issue 001/002

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-0325

KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY, MN 55422

Alan Kamrath
3-31- 2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/782,337	07/23/2007	Lo-Tim Lin	10024-0047	8112

TITLE OF INVENTION: CONNECTOR FOR RECEIVING/PROTECTING ELECTRONIC CARD

APPL. TYP.	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$1230	$300	$0	$1530	03/17/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
DIAMOND, REGINITTE	2833	439/-1 000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or later) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
(1) the name of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the name of up to two registered patent attorneys or agents. If no name is listed, no name will be printed.
1 Alan Kamrath
2 Kamrath & Associates P.A.
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.
(A) NAME OF ASSIGNEE (B) RESIDENCE (CITY and STATE OR COUNTRY)
TAI TWIN ENTERPRISE CO., LTD. TAIPEI HSIEN, TAIWAN
Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:
☒ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____
4b. Payment of Fee(s): (Please first reapply any previously paid fees at the above rate)
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or any credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (form status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The issue fee and PUBLICATION FEE (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Alan Kamrath Date 3-31- 2008
Typed or printed name Alan Kamrath Registration No. 28,227

The information included in this form will be used by the Office to properly process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 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 USPTO, Washington, DC 20231. Send to: Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.
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.

PTOL-85 (Rev. 03/07) Approved for use through 06/30/2008 OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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SUITE 245
GOLDEN VALLEY MN 55422

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MAY 22 2009

OFFICE OF PETITIONS

In re Application of :
Le-Yao Lin :
Application No. 11/782,737 : ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. 1002A-9447 :

This is a decision on the renewed petition to withdraw holding of abandonment, filed December 12, 2008, which is being treated as a renewed petition under the unintentional provisions of 37 CFR 1.137(b) 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 file timely a substitute oath or declaration, pay the issue and publication fees on or before May 26, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 26, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 27, 2008.

Petitioner still has not met the requirements to have the instant petition revived. The petitioner has submitted a copy of the (PTO-85B) issue fee transmittal, auto-reply facsimile transmission sheet, and a credit card payment form dated March 31, 2008. However, this information still does not show proof that issue fee and publication fee were in fact paid. As mentioned in previous decisions regarding the submitted copy of PTO-85B none of the boxes under 4b have been marked to indicate the mode of payment. Accordingly, the copy of the credit card form submitted with the instant petition is not proof that the fees where charged to that credit card.

Petitioner has stated in the instant petition that the auto-reply facsimile transmission sheet indicates that 2 pages were received by the Office. However, once again this information still does not show that fees were in fact previously paid. Therefore, as stated in the previous decisions mailed October 22, 2008 and December 8, 2008, "petitioner must provide proof that the fees have been previously paid" **(i.e., copy of credit card statement showing the amount charged to petitioner's account)**. If petitioner can not show that the fees were in fact previously paid, then the issue and publication fees must be paid at the current fee schedule effective October 2, 2008, before this application can be revived. Also, Office records do not indicate payments of the Issue and Publication fees.

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 JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
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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KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
Le-Yao Lin :
Application No. 11/782,737 : DECISION ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. 1002A-9447 :

This is a decision on the renewed petition to withdraw holding of abandonment, filed May 26, 2009, which is being treated as a renewed petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to file timely a substitute oath or declaration, pay the issue and publication fees on or before May 27, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 26, 2008. Accordingly, the application became abandoned on May 28, 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 $755 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 JoAnne Burke at 571-272-4584.

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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

SEP 28 2007

In re Application of: LLANOS	:	
Serial No.: 11/782,740	:	DECISION ON PETITION TO
Filed: July 25, 2007	:	MAKE SPECIAL FOR NEW
Title: MEDICAL DEVICES, DRUG COATINGS AND METHODS FOR MAINTAINING THE DRUG COATINGS THEREON	:	APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 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.
5. The petition must be filed with the application.

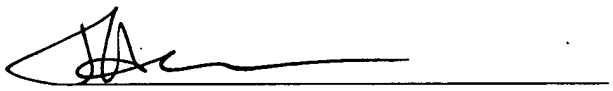
The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application the application, at the time of filing, was not complete under 37

CFR 1.51 and in condition for examination, as evidenced by the mailing of the Notice to File Corrected Application Papers on July 30, 2007. See 71 Fed. Reg. 36323 notice, section VIII, Conditions for Examination. The opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

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

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



J. Harrison
Special Program Examiner
Technology Center 3700

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

SEP 2 8 2007

In re Application of: LLANOS	:	
Serial No.: 11/782,770	:	DECISION ON PETITION TO
Filed: July 25, 2007	:	MAKE SPECIAL FOR NEW
Title: MEDICAL DEVICES, DRUG COATINGS AND METHODS FOR MAINTAINING THE DRUG COATINGS THEREON	:	APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 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.
5. The petition must be filed with the application.

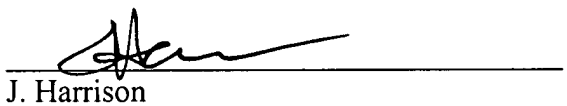
The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application the application, at the time of filing, was not complete under 37

CFR 1.51 and in condition for examination, as evidenced by the mailing of the Notice to File Corrected Application Papers on July 30, 2007. See 71 Fed. Reg. 36323 notice, section VIII, Conditions for Examination. The opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

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

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



J. Harrison
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/782,807	07/25/2007	Jong Ki JEON	103-1105	8233

7590 01/29/2010

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

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
01/29/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
01/29/2010 0000079514

Credit Card Refund Total: $750.00

Adjustment date: 01/29/2010 NFARMER
07/25/2007 INTERSW 00005771 11782807
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

FORM PET651G (Rev. 08/07)

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

Maxey Law Offices, PLLC
13630 58TH ST. NORTH
SUITE 101
CLEARWATER FL 33760

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
Lynda Lavigne :
Application No. 11/782,849 : DECISION ON PETITION
Filed: July 25, 2007 : TO WITHDRAW
Attorney Docket No. 76.002 : FROM RECORD
:

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

All future correspondence will be directed to the inventor Lynda Lavigne at the address indicated below.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Lynda Lavigne
604 Timber Lane
Tarpoon Springs, FL 34689

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.
11/782,861	07/25/2007	Weon Seok CHOI	103-1071	8313

7590 10/14/2009

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

EXAMINER	
LOOK, EDWARD K	

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
10/14/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
10/14/2009 0030075552

Credit Card Refund Total: $923.00

Am Exp...: XXXXXXXXXXX1052

Adjustment date: 10/14/2009 NFARMER
07/25/2007 INTEFSW 00006294 11782861
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

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www.uspto.gov

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

SEP 28 2007

In re Application of: LLANOS	:	
Serial No.: 11/782,864	:	DECISION ON PETITION TO
Filed: July 25, 2007	:	MAKE SPECIAL FOR NEW
Title: MEDICAL DEVICES, DRUG COATINGS AND METHODS FOR MAINTAINING THE DRUG COATINGS THEREON	:	APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 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.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application the application, at the time of filing, was not complete under 37

CFR 1.51 and in condition for examination, as evidenced by the mailing of the Notice to File Corrected Application Papers on July 30, 2007. See 71 Fed. Reg. 36323 notice, section VIII, Conditions for Examination. The opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

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

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

J. Harrison
Special Program Examiner
Technology Center 3700

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

COPY MAILED

AUG 27 2008

OFFICE OF PETITIONS

In re Application of :
William A. Garrison :
Application No. 11/782893 :
Filing or 371(c) Date: 07/25/2007 :
Attorney Docket Number: :
END5375USCIP4-0544483 : ON PETITION

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 June 10, 2008.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 8, 2008. The Notice required the basic filing fee and an oath or declaration; set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a response on September 18, 2007; however, the reply was incomplete. Applicant was so notified in a Notice of Incomplete Reply (Nonprovisional), mailed September 26, 2007. A Notice of Abandonment was mailed May 22, 2008.

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

This application is being forwarded to the Office of Patent Application Processing for continued processing in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

JC PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

COPY MAILED

MAY 13 2008

OFFICE OF PETITIONS

In re Application of Yang et al. :
Application No. 11/782,901 :
Filing Date: July 25, 2007 :
Attorney Docket No. JCLA24738 :

Letter

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed December 13, 2007.

The deficiency payment of $730 is hereby accepted.

The change of status to large entity has been entered and made of record.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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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.
11/782,905	07/25/2007	Dong-Hyun Kim	0009.1074	8379

7590 10/23/2009

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

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
10/23/2009	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

Refund Ref:
10/22/2009 3033375851

Credit Card Refund Total: $500.00

No Exp..: XXXXXXXXXXXX1019

Adjustment date: 10/22/2009 NFARMER
07/26/2007 INTEFSW 00000095 11782905
02 FC:1111 -500.00 CP

FORM PET651G (Rev. 08/07)

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United States Patent and Trademark Office
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

SEP 28 2007

In re Application of: LLANOS	:	
Serial No.: 11/782,918	:	DECISION ON PETITION TO
Filed: July 25, 2007	:	MAKE SPECIAL FOR NEW
Title: MEDICAL DEVICES, DRUG COATINGS AND METHODS FOR MAINTAINING THE DRUG COATINGS THEREON	:	APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on July 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.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application the application, at the time of filing, was not complete under 37

CFR 1.51 and in condition for examination, as evidenced by the mailing of the Notice to File Corrected Application Papers on July 30, 2007. See 71 Fed. Reg. 36323 notice, section VIII, Conditions for Examination. The opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

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

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

J. Harrison
Special Program Examiner
Technology Center 3700

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TECHNOLOGY CENTER 2600

FOGG & POWERS LLC
10 SOUTH FIFTH STREET
SUITE 1000
MINNEAPOLIS, MN 55402

In re Application of:
DAPPER, MARK J., et al.
Serial No.: 11/782,925
Filed: July 25, 2007

Title: **SYSTEMS FOR CONTENTION-BASED BANDWIDTH REQUESTS IN ORTHOGONAL FREQUENCY DIVISION MULTIPLEXING SYSTEMS**

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 July 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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The 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: 370/203, 208, 431, 448, 462, 485, 486, 487, 489, 490.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a "detailed explanation of how ***each of the claims*** are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c)" (emphasis added). Petitioner does not provide a detailed explanation of patentability of all claims (including the dependent claims) with respect to each reference and if claims do not stand or fall together, how each claim (including the dependent claims) is patentably distinct over the cited prior art in combination with the other cited references. Since petitioner has only argued the patentability of the broadest, independent claims and no separate reasons for patentability are argued in regard to any of the dependent claims, it is presumed that petitioner believes that all claims stand or fall together. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to ***each of the claims*** as set forth in item 6.3 above.

Petitioner's statement that applicant is prepared to swear behind the Cioffi reference is noted. Although this statement is not a statement within the meaning of 37 CFR 1.111(b) it is accepted contingent upon the filing of acceptable affidavit(s) under 37 CFR 1.131. The affidavit(s) should be presented in a timely manner, preferably prior to first Office action. Failure to timely submit acceptable affidavit(s) would likely result in the application of Cioffi *vis-a-vis* one or more of the instant claims.

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; 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 Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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TECHNOLOGY CENTER 2600

In re Application of:
DAPPER, MARK J., et al.
Serial No.: 11/782,925
Filed: July 25, 2007

Title: **SYSTEMS FOR CONTENTION-BASED BANDWIDTH REQUESTS IN ORTHOGONAL FREQUENCY DIVISION MULTIPLEXING SYSTEMS**

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 18, 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 September 20, 2007 have been met.

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

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

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Paper No.

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

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Urakabe et al. :
Application No. 11/782,956 : ON PETITION
Filed: August 8, 2007 :
Attorney Docket No. Q102511 :

This is a decision on the "PETITION UNDER 37 C.F.R. 1.57(a)(3) TO BE ACCORDED FILING DATE" filed November 14, 2008, requesting correction of the filing date of the above-identified application to July 25, 2007 under 37 C.F.R. §1.57(a), based on the inadvertently omitted drawings being present in the prior-filed application.

The petition is **DISMISSED AS UNTIMELY FILED**.

Any request for reconsideration of this decision must be filed within two months. This period is governed by 37 CFR 1.181(f) and is not extendable.

Application papers in the above-identified application were deposited on July 25, 2007, without drawings. Then on August 8, 2007, applicants filed a preliminary amendment requesting that the application be amended to include the drawings from the parent application[1] based on the explicit incorporation by reference of the parent application present in this application on filing. However, this amendment was not accompanied by a petition pursuant to 37 CFR 1.57(a)(or 1.182[2]).

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[1] It is noted that this application is a continuation of application No. 11/281,410, which issued as a patent on November 13, 2007 (after the August 8, 2007 filing date of this application).

[2] Where entry of such an amendment to add omitted material is based on an explicit incorporation by reference, the petition is filed under 37 CFR 1.182.

Also, on August 8, 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 drawings. The August 8, 2007 Notice stated that if applicant wants to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicant must file a petition under 37 CFR 1.57(a) accompanied by the $400 petition fee within TWO MONTHS of the date of the Notice. The Notice further provided that the filing date would be the date of receipt of all items required below, unless otherwise indicated.

On September 7, 2007, the Office further mailed a filing receipt, which stated in pertinent part that the application had been accorded a filing date of August 8, 2007 (the date of receipt of the drawings). Instead of filing a petition to correct the filing date (and petition fee), on October 3, 2007, applicant filed a request for corrected filing receipt to correct the filing date. In response, by letter mailed October 9, 2007, the request was denied. Applicant was again advised that a petition (and petition fee) was necessary to request a change to the filing date.

Not until November 14, 2008, after the mailing of the notice of allowance, did applicant file a petition under 37 CFR 1.57(a)(3)(and petition fee) to correct the filing date. This was more than a year after the mailing of the Notice of Incomplete Nonprovisional Application.

In view thereof, it is appropriate to dismiss this petition as untimely filed.

The filing date of this application remains August 8, 2007. The issue fee and publication fee were filed on January 13, 2009. The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Anthony Knight
Supervisor
Office of Petitions

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JOHNSTON IA 50131-0552

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OFFICE OF PETITIONS

Applicant: Jung
Appl. No.: 11/782,965
Filing Date: July 25, 2007
Title: GRAIN QUALITY THROUGH ALTERED EXPRESSION OF SEED PROTEINS
Attorney Docket No.: 2097R
Pub. No.: US 2008/0134361 A1
Pub. Date: June 5, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 26, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in dependent claim 18, wherein the term "cassava" is misprinted as "cassaya".

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

The error noted by requestor in dependent claim 18, wherein "cassava" is misprinted as "cassaya" may be an Office error, but it is not a material Office error under 37 CFR 1.221. The errors are typographical error, which are clearly understandable to one of ordinary skill in the art in reading the claim, as "cassaya" is not a word, the surrounding sentence allows the public to understand the intended word, cassava, as the disclosure is directed toward such application. The error is a typographical error, which is clearly understandable to one of ordinary skill in the art in reading the claim. The mistake is a minor typographical, which does not affect the understanding of the dependent claim. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope

[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).

of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/782,995	07/25/2007	Makoto Hirota	00862.128467.	8540

5514 7590 06/07/2010

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
AUGUSTINE, NICHOLAS	
ART UNIT	**PAPER NUMBER**
2179	

MAIL DATE	DELIVERY MODE
06/07/2010	PAPER

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

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

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Fitzpatrick, Cella, Harper & Scinto
1290 Avenue of the Americas
New York, NY 10104-3800

In re Application of: HIROTA M.
Application No. 11/782,995
Filed: July 25, 2007
For: Information processing apparatus and user interface control method.

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 May 28, 2010 to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(7) The required petition fee under 37 CFR 1.17(h).

The petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

_____

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

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ARLINGTON, VA 22203

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JUN 23 2009

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Kazushi Sasaki :
Application No. 11/783,003 :
Filed: April 5, 2007 :
Attorney Docket No. MNL-2018-1678

This is a decision on the petition, filed June 22, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 26, 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 3747 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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CLARK & BRODY
1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON, DC 20005

COPY MAILED
FEB 18 2010

In re Application of
Takashi Takano
Application No. 11/783,007
Filed: April 6, 2007
Attorney Docket No. 12014-0058

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed December 4, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application 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 the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) 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) and 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 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 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

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

This application is being forwarded to Technology Center Art Unit 1793 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Sherry D. Brinkley
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
11/783,007	04/05/2007	1793	1130	12014-0058	6	2

CONFIRMATION NO. 3558

CORRECTED FILING RECEIPT

22902
CLARK & BRODY
1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON, DC 20005

Date Mailed: 02/17/2010

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

Applicant(s)

Takashi Takano, Wakayama-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 22902

Domestic Priority data as claimed by applicant

This application is a CON of PCT/JP07/52090 02/07/2007
and is a CON of 11/714,124 03/06/2007
which claims benefit of 60/900,366 02/09/2007

Foreign Applications

JAPAN 2006-32535 02/09/2006

If Required, Foreign Filing License Granted: 04/30/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/783,007**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Process for manufacturing an airbag inflator bottle member

Preliminary Class

148

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/783,009	04/05/2007	Jun-Kyu Cha	302/084	3565

7590 11/04/2009

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

EXAMINER
WILKINS III, HARRY D

ART UNIT	PAPER NUMBER
1795	

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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 11/05/2009 0330078437

Credit Card Refund Total: $600.00

Am Exp...: XXXXXXXXXXX1001

Adjustment date: 11/05/2009 NFARMER
04/06/2007 DEMMANO1 00000072 11783009
02 FC:1111 -500.00 OP
04 FC:1202 -100.00 OP

FORM PET651G (Rev. 08/07)

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW.
Washington DC 20006-5403

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of :
Mouli et al. :
Application No. 11/783,040 : DECISION ON PETITION
Filed: April 5, 2007 :
Atty Docket No.4065.0658/P658-C :

This is a decision on the "PETITION FOR WITHDRAWAL OF NOTICE OF OMITTED ITEMS IN A NON-PROVISIONAL APPLICATION," filed July 3, 2007.

On April 5, 2007, applicants filed the above-identified application. On May 4, 2007, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of April 5, 2007, and advising applicants that pages 18 and 30 of the specification (description and claims) appeared to have been omitted.

In response, on July 3, 2007, applicants submitted, *inter alia*, the present petition, a copy of the specification (including pages 18 and 30), and the petition fee. Additionally, applicants submitted a copy of the returned, date-stamped postcard receipt acknowledging receipt of 47 pages of the specification in the USPTO on April 5, 2007.

Upon review of the record, pages 18 and 30 of the specification (description and claims), deposited on April 5, 2007, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 5, 2007, included pages 18 and 30 of the specification, which was subsequently misplaced in the USPTO. Therefore, the application, including pages 18 and 30 of the specification was complete on filing and will be granted a filing date of April 5, 2007.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary. The $400.00 petition fee will be credited to the credit card.

This matter is being referred to the Office of Initial Patent Examination **to accord the above-identified application a filing date of April 5, 2007**, using pages 1-17, 19-29, and 31-47 of the specification filed on that date, and pages 18 and 30 the specification submitted with the petition on July 3, 2007, as part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Sang-hyuk Cha	: DECISION ON REQUEST FOR
Patent Number	: 7643747	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/783,086	: 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 **284** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Edell, Shapiro & Finnan, LLC
1901 Research Boulevard
Suite 400
Rockville, MD 20850

MAILED

APR 02 2009

OFFICE OF PETITIONS

In re Application of
Edward Honig et al.
Application No. 11/783,109
Filed: April 5, 2007
Attorney Docket No. 0816.0100C

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 12, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Stuart B. Shapiro on behalf of all attorneys/agents associated with customer number 27896. All attorneys/agents associated with customer number 27896 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: Edward Honig
61 Muriel Avenue
Lawrence, NY 11559

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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
11/783,109	04/05/2007	Edward Honig	0816.0100C

CONFIRMATION NO. 2290

POWER OF ATTORNEY NOTICE

27896
EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

Date Mailed: 04/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2009.

- 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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United States Patent and Trademark Office
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JUN 09 2010

OFFICE OF PETITIONS

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

In re Application of KVM et al. :
Application No. 11/783,137 : Decision on Petition
Filing Date: April 6, 2007 :
Attorney Docket No. 29250-002305/US :

This is a decision on the petition under 37 CFR 1.181 filed February 2, 2010, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a non-final Office action on June 1, 2009, which set a three-month shortened statutory period for reply. The Office did not receive a reply to the June 1, 2009 Office action. As a result, the Office mailed a Notice of Abandonment on January 27, 2010.

Petitioner requests withdrawal of the holding of abandonment based on an assertion the June 1, 2009 Office action was never received at the address of record.

The showing of record is sufficient to establish non-receipt of the June 1, 2009 Office action.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The non-final Office action will be re-mailed and the period for reply re-started.

Technology Center Art Unit 2162 will be informed of the instant decision. Thereafter, the Technology Center will mail a new non-final Office action. The time period to respond to the new Office action will be set to run from the mailing of the new Office action.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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HANIFY & KING PROFESSIONAL CORPORATION
1055 THOMAS JEFFERSON STREET, NW
SUITE 400
WASHINGTON, DC 20007

MAILED

APR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Yassin Aden Awad, et al.	:	
Application No. 11/783,156	:	DECISION GRANTING PETITION
Filed: April 6, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5243-042-US01DIV4	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2617 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/783,172	04/06/2007	Se-young Shin	Q96105	4822

7590 02/02/2009

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

EXAMINER
TROST IV, WILLIAM GEORGE

ART UNIT	PAPER NUMBER
2416	

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

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Adjustment date: 02/02/2009  BPOWELL
04/09/2007 DEMMANU1 00000051 11783172
02 FC:1111                        -500.00 OP
04 FC:1201                        -400.00 OP
05 FC:1202                       -1900.00 OP
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Refund Ref:
02/02/2009                0030066152
-----------------------------------------
Credit Card Refund Total:      $650.00

Am Exp..: XXXXXXXXXXX1008
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FORM PET651G (Rev. 08/07)

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

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SEP 25 2007

OFFICE OF PETITIONS

In re Application of :
William Heron et al :
Application No. 11/783,195 : ON PETITION
Filed: April 6, 2007 :
Attorney Docket No. :
WGN-839-1697

This is a decision on the petition filed May 9, 2007, which is being treated as a petition under 37 CFR 1.53(e) to accept drawing Figures 1 and 4B as having been present on filing.

The petition is **granted**.

On May 4, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice), Filing Date Granted, stating that the signature of inventor Alan A. Waggott was missing from the oath or declaration and that Figures 1 and 4B described in the specification appeared to have been omitted from the application.

In response, petitioner has submitted the present petition, a $400 fee for the filing of the petition, a declaration executed by inventor Alan A. Waggott, a $130 surcharge fee for the late submission of an executed declaration, one sheet of Figures 1 and 4B to replace the drawings stated to have originally accompanied the application papers, and a stamped postcard which acknowledges receipt by the USPTO of, *inter alia*, 6 sheets of drawings for Figures 1-6 on April 6, 2007. The stamped postcard receipt does not include any notation thereon that any of the drawings were missing at the time of receipt of the application papers in the USPTO on April 6, 2007.

The file record contains only 5 sheets of drawings; namely, Figures 2, 3, 4A, 5 and 6. The complete set of drawings, acknowledged as having been received in the USPTO on April 6,

2007, are not of record in the application file. However, MPEP 503 provides that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the one sheet of drawings for Figures 1 and 4B, which would have added up to the 6 sheets of drawings acknowledged as having been received by the postcard receipt, were received in the USPTO but not processed after receipt thereof.

In view of the above, the sheet of drawings containing Figures 1 and 4B are considered to have been present on filing. Accordingly, this application is being referred to the Office of Initial Patent Examination for processing with an indication that six (6) sheets of drawings, which included Figures 1 and 4B, were present on filing on April 6, 2007, and using the one (1) sheet of drawings of Figures 1 and 4B filed on May 9, 2007.

As the postcard evidences receipt of the drawings stated to have been omitted by the Notice of May 4, 2007, the $400 petition fee submitted will be refunded to petitioner's deposit account.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DEC 11 2009

OFFICE OF PETITIONS

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE NW
WASHINGTON DC 20037

In re Application of :
Shapiro, et al. :
Application No. 11/783,250 : ON PETITION
Filed: April 6, 2007 :
Attorney Docket No. 125091-0104 :

This is in response to the "PETITION TO CORRECT ORDER OF INVENTORS", filed May 13, 2009.

The petition is **GRANTED**.

Office records have been changed to reflect the change in the inventors' names, consistent with the 37 CFR 1.63 declaration filed on August 3, 2007.

The application is being forwarded to Group Art Unit 3695.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Blank Rome, LLP
Watergate
600 New Hampshire Avenue, N.W.
Washington, DC 20037

In re Application of
Andrew Shapiro et al.
Application No. 11/783,250
Filed: April 6, 2007
Attorney Docket No. 125091.0105

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 2010.

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

A review of the file record indicates that the power of attorney to Michael C. Greenbaum and all attorneys/agents of record has been revoked by the assignee of the patent application on April 22, 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 Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Patent Docket Clerk
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036

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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE NW
WASHINGTON DC 20037

In re Application of :
Shapiro, et al. :
Application No. 11/783,251 : ON PETITION
Filed: April 6, 2007 :
Attorney Docket No. 125091-0104 :

This is in response to the "PETITION TO CORRECT ORDER OF INVENTORS", filed May 13, 2009.

The petition is **GRANTED**.

Office records have been changed to reflect the change in the inventors' names, consistent with the 37 CFR 1.63 declaration filed on August 1, 2007.

The application is being forwarded to Group Art Unit 3695.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Watergate
600 New Hampshire Avenue, N.W.
Washington, DC 20037

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MAY 25 2010

OFFICE OF PETITIONS

In re Application of
Andrew Shapiro et al.

Application No. 11/783,251
Filed: April 6, 2007
Attorney Docket No. 125091-0104

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 2010.

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

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 27557 have been revoked by the assignee of the patent application on April 7, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Patent Docket Clerk
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/783,251	04/06/2007	Andrew Shapiro	125091-0104

CONFIRMATION NO. 4348

POWER OF ATTORNEY NOTICE

27557
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

Date Mailed: 05/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/07/2010.

- 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).

/kainabinet/

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

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MAY 24 2010

OFFICE OF PETITIONS

Blank Rome, LLP
Watergate
600 New Hampshire Avenue, N.W.
Washington, DC 20037

In re Application of :
Andrew Shapiro et al. :
Application No. 11/783,252 : DECISION ON PETITION
Filed: April 6, 2007 : TO WITHDRAW
Attorney Docket No. 125091-0107 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 2010.

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

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 27557 have been revoked by the assignee of the patent application on April 7, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Patent Docket Clerk
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036

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MAY 24 2010

OFFICE OF PETITIONS

Blank Rome, LLP
Watergate
600 New Hampshire Avenue, N.W.
Washington, DC 20037

In re Application of	:	
Andrew Shapiro et al.	:	
Application No. 11/783,253	:	DECISION ON PETITION
Filed: April 6, 2007	:	TO WITHDRAW
Attorney Docket No. 125091-0106	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 2010.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 27557 have been revoked by the assignee of the patent application on April 7, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Patent Docket Clerk
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036

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WATERGATE
600 NEW HAMPSHIRE AVENUE, NW
WASHINGTON, DC 20037

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JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Shapiro et al.	:	DECISION ON PETITION
Application No. 11/783,254	:	TO WITHDRAW
Filed: April 6, 2007	:	FROM RECORD
Attorney Docket No. 28655.010	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 27557 was revoked by the assignee of the patent application on April 7, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: PATENT DOCKET CLERK
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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WASHINGTON DC 20004

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OFFICE OF PETITIONS

In re Application of
Goelles et al.
Application No. 11/783,255
Filed: April 6, 2007
Attorney Docket No. P71844US0

DECISION ON PETITION

This is a decision on the petition, filed April 18, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers mailed July 30, 2007, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed April 10, 2008.

Petitioner contends a reply to the Notice to File Corrected Application Papers was submitted on October 10, 2007. Petitioner states that a a response to the Notice, a second preliminary amendment, substitute specification and marked-up version of specification, and a credit acrd form $100.00.

Pursuant to 37 CFR 1.8, correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the

correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. The Office may require additional evidence to determine if the correspondence was timely filed.

Petitioner has failed to meet requirement (2). The Notice to File Corrected Application Papers required that petitioner submit a substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3) and 1.25 and a brief description of the drawings. The substitute specification also required that a statement that the substitute specification contains no new matter pursuant to 37 CFR 1.125(b) was required. A review of the copy of the reply presented shows that the copies provided do not contain any signatures. Specifically the no new matter statement requires a signature. It should further be noted that the postcard receipt was not properly itemized, by providing the proper number of pages per item. Nonetheless even if the documents were received by the Office they were not properly executed. The Office needs a copy of the documents as they were provided on October 10, 2007. If the documents provided on petition were exact copies, petitioner will need to file a petition under 37 CFR 1.137(b) as the documents are unacceptable.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1540 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By 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 concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
Goelles et al. :
Application No. 11/783,255 : DECISION ON PETITION
Filed: April 6, 2007 :
Attorney Docket No. P71844US0 :

This is a decision on the renewed petition filed June 17, 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 July 30, 2007, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed April 10, 2008.

Petitioner contends a reply to the Notice to File Corrected Application Papers was submitted on October 10, 2007. Petitioner states that a a response to the Notice, a second preliminary amendment, substitute specification and marked-up version of specification.

Petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on October 1, 2007 of, *inter alia,* corrected application papers, second preliminary Amendment, substitute specification. A copy of the previously submitted reply accompanies the petition.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on October 1, 2007.

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 with petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

11/21/07

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of	:	
Masuda, Toshio et al	:	DECISION ON REQUEST TO
Application No. 11/783,265	:	PARTICIPATE IN PATENT
Filed: Apr. 6, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. US-P2570F	:	PILOT PROGRAM AND PETITION
For: DRIVING FORCE CONTROLLER FOR A VEHICLE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the renewed petition under 37 CFR 1.102(d), filed Oct. 26, 2007, to make the above-identified application special.

The request and petition are **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition met all conditions except Item #5 above. The request to participate in the PPH pilot program and petition fail to include: a copy of the Japanese language allowed claims.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Henry C. Yuen, at 571-273-4856. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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Alexandria, VA 22313-1450
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1/9/08

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of	:	
Masuda, Toshio et al	:	DECISION ON REQUEST TO
Application No. 11/783,265	:	PARTICIPATE IN PATENT
Filed: Apr. 6, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. US-P2570F	:	PILOT PROGRAM AND PETITION
For: DRIVING FORCE CONTROLLER FOR A VEHICLE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the renewed petition under 37 CFR 1.102(d), filed Dec. 21, 2007, to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of a copy of the Japanese language allowed claims is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Stephen Cronin, SPE of Art Unit 3747, 571-272-3700.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATTO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of :
Lian-Tian Iou :
Application No. 11/783,280 : DECISION ON PETITION
Filed: April 6, 2007 :
Attorney Docket No. 5545/0205PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2010, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 2, 2009. Accordingly, the date of abandonment of this application is April 3, 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.

In view of the above, the petition is **GRANTED**.

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.

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 Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/783,280	04/06/2007	Lian-Tian Iou	5545/0205PUS1

CONFIRMATION NO. 4300

POA ACCEPTANCE LETTER

60601
Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

OC000000040856217

Date Mailed: 03/29/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/21/2010.

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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Michael Goelles	: DECISION ON REQUEST FOR
Patent Number	: 7656583	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/783,289	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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100 KING STREET WEST
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JUL 24 2008

In re Application of :
PONA, Zbignniew :
Application No. 11/783,329 : DECISION ON PETITION
Filed: April 09, 2007 : TO WITHDRAW
Attorney Docket No. **T8468087US** : 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 19, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Victoria Heppell on behalf of all attorneys of record who are associated with customer No. 26912. 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 Zbigniew Pona 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: **DR. ZBIGNIEW PONA**
1390 WALKER RD., #100
WINDSOR, ONTARIO
CANADA N8Y 4T9

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.
11/783,332	04/09/2007	Toshikazu Hirose	MNL-2635-464	5781

7590 08/18/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
BELL, BRUCE F	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
08/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/19/2009 BPOWELL
04/10/2007 YPOLITE1 00000008 11783332
02 FC:1111 -500.00 OP

Adjustment date: 08/19/2009 BPOWELL
04/10/2007 YPOLITE1 00000008 11783332
02 FC:1111 -500.00 OP

Refund Ref:
08/19/2009 0030073485

Credit Card Refund Total: $500.00

AB Exp..: XXXXXXXXXX2021

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROTHWELL, FIGG, ERNST & MANBECK, PC
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

MAILED

JUL 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Justin B. Prager, et al.	:	
Application No. 11/783,426	:	DECISION GRANTING PETITION
Filed: April 9, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2917-145	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 13, 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 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2454 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Speh et al.	:	
Application No. 11/783442	:	
Filing or 371(c) Date: 04/10/2007	:	ON PETITION
Attorney Docket Number: 49-012	:	

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

A Corrected Filing Receipt accompanies this Decision.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
11/783,442	04/10/2007	3636	500	49-012	11	1

CONFIRMATION NO. 7127

CORRECTED FILING RECEIPT

23400
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

OC000000029266233

Date Mailed: 04/04/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Andreas Speh, Ummendorf, GERMANY;
Oliver Schweizer, Lindenberg, GERMANY;
Jurgen Baumann, Bodman-Ludwigshafen, GERMANY;

Assignment For Published Patent Application

RECARO Aircraft Seating GmbH & Co. KG, Schwabisch Hall, GERMANY

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) EP 07000737.2 01/16/2007

If Required, Foreign Filing License Granted: 04/04/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/783,442**

Projected Publication Date: 07/17/2008

Non-Publication Request: No

Early Publication Request: No

Title

Seating apparatus, and in particular vehicle or aircraft seating apparatus

Preliminary Class

297

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application of Carl Green

Title: MOTOR-POWERED TOOTHBRUSH WITH...

Serial # - 11/783446 A.U. 1744
Date - 4-10-07

PETITION TO MAKE APPLICATION SPECIAL BASED ON THE AGE OF THE INVENTOR

I hereby certify that this correspondence is being deposited with the United States Postal Service by First Class Mail on the date indicated above and is addressed to the Assistant Commissioner of Patents and Trademarks, P. O. Box 1450 Alexandria, VA. 22313-1450

ILYA ZBOROVSKY

Hon. Commissioner of
Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Sir:

The inventor of this application, Mr. Carl Green is over 65 years old.

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700

MAY 2 2 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
www.uspto.gov

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Lopa Mishra	: DECISION ON REQUEST FOR
Patent Number	: 7667002	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/783,459	: 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 **137** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/783,500	04/10/2007	Takehiko Sugiura	1000409-000239	9040

7590 08/24/2009

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
NOORI, MAX H	

ART UNIT	PAPER NUMBER
2855	

NOTIFICATION DATE	DELIVERY MODE
08/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/21/2009 BPOWELL
04711/2007 HMARZI1 00000054 11783500
02 FC:1111 -500.00 OP

Adjustment date: 08/21/2009 BPOWELL
04711/2007 HMARZI1 00000054 11783500
02 FC:1111 -500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/783,505	04/10/2007	M. Albert Capote	90060Y	9020

7590 02/22/2010

THE NATH LAW GROUP
Sixth Floor
1030 15th Street, N.W.
Washington, DC 20005

EXAMINER	
MALEVIC, DJURA	

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
02/22/2010	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

In re Patent No. CAPOTE ET AL.
Issue Date: 12 May 2009
Appl No.: 11/783,505
Filed: April 10, 2007
For: GAMMA RAY DETECTOR MODULES

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition under 37 CFR 1.48, filed 30 April 2009. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/David P. Porta/

David P. Porta
Supervisory Patent Examiner
Art Unit 2884
Patent Examining Group 2800

THE NATH LAW GROUP
Sixth Floor
1030 15th Street, N.W.
Washington, DC 20005

UNITED STATES 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: February 22, 2010
TO: Certificates of Correction Branch
FROM: David P. Porta
SPE, Art Unit 2884
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,531,809 as specified on the attached Certificate.

/David P. Porta/

David P. Porta, SPE
Art Unit 2884

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,531,809
Patented: 12 May 2009

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

M. Albert Capote	Carlsbad, CA
Howard A Lenos	Murrieta, CA
Sachinananda Babu	

/David P. Porta/

David P. Porta
Supervisory Patent Examiner
Art Unit 2884

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.
11/783,555	04/10/2007	Sang-Hoon Yim	P58205	8492

7590 10/22/2009

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER	
SHALWALA, BIPIN H	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/22/2009	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.

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/22/2009 NFARMER 00017343820
[illegible] Date/Number:11783555
FC: 9204 -1230.00 CR

Adjustment date: 10/22/2009 NFARMER
04/11/2007 SZEWDIE1 00000018 11783555
02 FC:1111 -500.00 OP
04 FC:1202 -750.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

COPY MAILED

SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
Yuugo Yamamoto :
Application No. 11/783,627 :
Filed: April 11, 2007 :
Attorney Docket No. YAMA3070 :

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 June 22, 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 **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 a doctor's certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3654 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 28 2010

OFFICE OF PETITIONS

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

In re Application of
Allan T. Chiulli, et al.
Application No. 11/783,690
Filed: April 11, 2007
Attorney Docket No. UAT0001-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 November 19, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Paul, Hastings, Janofsky & Walker, LLP has been revoked by the assignee of the patent application on December 2, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Data Management at their hotline 571-272-4200.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: UAT, INC.
7375 SOUTH PERIORA STREET
BLDG 9, SUITE 209, BOX B-10
ENGLEWOOD, CO 80112

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

U.S. Pat. No.	:	7,685,057	Confirmation No. 7914
Issued	:	March 23, 2010	
Appln. No.	:	11/783,690	
Applicants	:	Allan T. Chiulli et al.	
Title	:	SYSTEM AND METHOD FOR FACILITATING UNIFIED TRADING AND CONTROL FOR A SPONSORING ORGANIZATION'S MONEY MANAGEMENT PROCESS	
TC/A.U.	:	3695	
Examiner	:	Thu Thao Havan	
Attorney Docket No.:		69-1006 UAT0001-US	
Customer No.	:	92411	

Approved. Please enter.
TTH. 5/14/10

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 35 U.S.C § 255

Dear Sir:

Applicant respectfully requests entry of the attached Certificate of Correction, Form PTO/SB/44, for the above-referenced patent. The purpose of this request is to correct typographical errors and minor mistakes in the specification and in Figure 10. The requested corrections do not involve changes that would constitute new matter or require reexamination.

The Commissioner is hereby authorized to charge the Certificate of Correction fee of $100 required under 37 C.F.R. §1.20(a) to Deposit Account No. 502846. Please send the Certificate of Correction to applicant's attorneys, Plumsea Law Group, LLC, 10411 Motor City Drive, Suite 320, Bethesda, MD 20817.

Respectfully submitted,

Plumsea Law Group, LLC

Date: May 6, 2010

By: /Steven P. Arnheim/
Steven P. Arnheim (Reg. No. 43,475)

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,685,057

APPLICATION NO.: 11/783,690

ISSUE DATE : March 23, 2010

INVENTOR(S) : Allan T. Chiulli and Tom H. Warren

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10, line 10, --513)-- should be inserted before "Each".

Column 10, line 13, --514)-- should be inserted before "If".

Column 10, line 30, --520)-- should be inserted before "The sub advisor".

Column 12, lines 1 and 2, both instances of "mM" should be changed to --MM--.

Column 14, lines 33-34, the "123" of "NYSE Rule 123" is not a reference numeral and should not be in bold.

Column 14, line 56, "communications engine 502" should be changed to --communications engine 504--.

Claim 21, at column 33, line 22, "Wading organization" should be changed to --trading organization--.

In the drawings, Sheet 12, Fig. 10, the reference numeral "502" for the Communications Engine should read --504--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Plumsea Law Group LLC
10411 Motor City Drive, Suite 320
Bethesda, MD 20817

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 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.
11/783,690	04/11/2007	Allan T. Chiulli	UAT0001-US	7914

92411 7590 05/18/2010

Plumsea Law Group, LLC
10411 Motor City Drive
Suite 320
Bethesda, MD 20817

EXAMINER	
HAVAN, THU THAO	

ART UNIT	PAPER NUMBER
3695	

MAIL DATE	DELIVERY MODE
05/18/2010	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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100514

DATE : May 14, 2010

TO SPE OF : ART UNIT 3695

SUBJECT : Request for Certificate of Correction on Patent No.: 11/783,690

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:

/Thu Thao Havan/ 5/14/2010

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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VENEBLE, LLP
PO BOX 34385
WASHINGTON DC 200043-9998

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DEC 05 2008

Applicant: Schmidt
Appl. No.: 11/783,735
Filing Date: April 11, 2007
Title: ROLLABLE ROOF RIDGE AND VENTILATION ELEMENT
Attorney Docket No.: 31796-241796
Pub. No.: 2007/0251162 A1
Pub. Date: November 1, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 17, 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 the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DINESH AGARWAL, P.C.
5350 SHAWNEE ROAD
SUITE 330
ALEXANDRIA VA 22312

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
SIROLA, D. Brien et al. :
Application No. 11/783,755 : DECISION ON PETITION
Filed: April 12, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **US 1354C/07** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 14, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by D. Brien Sirola, 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 1795 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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PATENTANWAELTE LICHTI + PARTNER GBR
POSTFACH 41 07 60
D-76207
KARLSRUHE DE GERMANY

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SEP 15 2008

In re Application of :

BOHE, Thomas :
Application No. 11/783,756 : DECISION ON PETITION
Filed: April 12, 2007 : TO WITHDRAW
Attorney Docket No. 22281.1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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. 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 Vincent on behalf of all attorneys of record who are associated with customer No. 24025. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **THOMAS BOHE**
KOCHERSBERGWEG 12
BADEN-BADEN 76532
GERMANY

cc: **PROF. GUNTHER KRIEG**
IM RENNICH 12
KARLSRUHE 76227
GERMANY

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/21/2010

Applicant	: Craig Spielmann	: DECISION ON REQUEST FOR
Patent Number	: 7603283	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/783,831	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/783,834	04/12/2007	Sophie Bodelin	132188	9010

7590 10/07/2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
VENKAT, JYOTHSNA A	

ART UNIT	PAPER NUMBER
1619	

MAIL DATE	DELIVERY MODE
10/07/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/08/2008 BPOWELL 0012192700
DAM:150461 Name/Number:11783834
FC: 9204 $1400.00 CR

Adjustment date: 10/08/2008 BPOWELL
04/13/2007 DEMMANU1 00000020 11783834
02 FC:1111 -500.00 OP
04 FC:1202 -900.00 OP

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

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FEB 23 2009

OFFICE OF PETITIONS

In re Application of :
BJERKEN, David :
Application No. 11/783,875 : DECISION ON PETITION
Filed: April 12, 2007 : TO WITHDRAW
Attorney Docket No. **10055.010.00** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 27, 2009.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael Angert on behalf of all attorneys of record who are associated with customer No. 30827. All attorneys/agents associated with the Customer Number 30827 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor David Bjerken 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: **DAVID BJERKEN**
1543 BRENTWOOD DRIVE
MARIETTA GA 30062

UNITED STATES PATENT AND TRADEMARK OFFICE

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WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

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JAN 14 2010

OFFICE OF PETITIONS

In re Application of :
Kazufumi OGAWA :
Application No. 11/783,892 : NOTICE
Filed: April 12, 2007 :
Attorney Docket No. 18232.1.2 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

for Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & BANNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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DEC 03 2008

Applicant: Chaisy, et al.
Appl. No.: 11/783,923
Filing Date: April 13, 2007
Title: DYEING COMPOSITION COMPRISING AT LEAST ONE SOLUBLE FLURESCENT COMPOUND, AT LEAST ONE ELECTROPHILIC MONOMER AND AT LEAST ONE LIQUID ORGANIC SOLVENT
Attorney Docket No.: 5725.1640-00
Pub. No.: US 2007/0251027 A1
Pub. Date: November 1, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 2, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification on page 8, wherein the nomenclature "bis(benzoxazole) derivatives of formula" should be inserted before the compound.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in omitting the nomenclature is not a material Office error under 37 CFR 1.221. The public can appreciate the technical disclosure by the surrounding text and the drawings and by the actual compound.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be

[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).

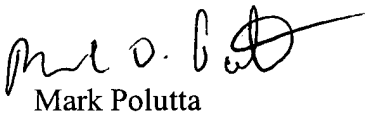
accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTON BOGGS LLP
2550 M STREET NW
WASHINGTON DC 20037-1350

COPY MAILED
JAN 19 2010

In re Application of :
ASLAMI ET AL. :
Application No. 11/783,969 :
Filed: April 13, 2007 :
Attorney Docket No. 024053.0105PTUS :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 15, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant

will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1 and 5 above for the reasons as explained in more detail below.

In regard to item 1, this application has been classified (USPC 118/719) in an area that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified else where. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, it is noted that the instant invention relates to a "PLASMA DEPOSITION APPARATUS AND METHOD FOR MAKING SOLAR CELLS". The instant petition is accompanied by the statement on the basis for the special status, i.e., the invention "materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction." As stated in section III of the Notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets the materiality standard.

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 Gay Ann Spahn at 571-272-8011.

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 1792 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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515 KING STREET, SUITE 420
ALEXANDRIA, VA 22314

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of :
FRAZEE, John S. :
Application No. 11/783,984 : DECISION ON PETITION
Filed: April 13, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **FRAZ002** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 13, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the driver's license of inventor John S. Frazee, 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 3752 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

AUG 10 2009

OFFICE OF PETITIONS

MARK D MILLER
KIMBLE, MACMICHAEL & UPTON
5260 NORTH PALM AVENUE
SUITE 221
FRESNO CA 93704

In re Application of :
Dominick Piccininni :
Application No. 11/784,005 : DECISION ON PETITION
Filed: April 5, 2007 : TO WITHDRAW
Attorney Docket No. **10994.00.USU01** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 6, 2009 and supplemented on July 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Mark Miller on behalf of all attorneys of record who are associated with Customer No. 25265.

All attorneys/agents associated with the Customer No. 25265 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 name inventor Dominic Piccininni at the address list listed in the request.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Dominic Piccininni
11405 Valley Oak Drive
Oakdale, CA 95361

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
11/784,005	04/05/2007	Dominick Piccininni	10994.00.USU01

CONFIRMATION NO. 2882

POWER OF ATTORNEY NOTICE

25265
MARK D MILLER
KIMBLE, MACMICHAEL & UPTON
5260 NORTH PALM AVENUE
SUITE 221
FRESNO, CA 93704

Date Mailed: 08/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2008.

- 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.

/jlburke/

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

LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD., SUITE 107-328
BURLESON, TX 76028

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Garrick BROWN :
Application No. 11/784,042 : DECISION ON PETITION TO
Filed: April 5, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **1142JW-60766** :

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 28, 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 James E. Walton on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor Garrick Brown at the address below until otherwise properly notified by the applicant.

There is an outstanding non-final Office action mailed January 12, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **GARRICK BROWN**
1417 HARBOURTOWN CIRCLE
MANSFIELD, TX 76063

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIELDS & LEMACK
176 EAST MAIN STREET, SUITE 7
WESTBORO MA 01581

COPY MAILED

AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Kenneth H. Purser et al. :
Application No. 11/784,073 : DECISION ON PETITION
Filed: April 5, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 527P019CDiv. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 15, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant, Kenneth H. Purser 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 2881 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091113

DATE : November 13, 2009

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction on Patent No.: 7,351,984

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:

/ROBERT KIM/
Supervisory Patent Examiner.Art Unit 2881

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PVF -- ORACLE INTERNATIONAL CORPORATION
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

MAILED

APR 08 2010

OFFICE OF PETITIONS

In re Application of

Huck, et al.

Application No. 11/784,156

Filing Date: April 4, 2007

Attorney Docket No. OR03-03101CON

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2010.

The petition is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the non-final Office action mailed July 8, 2008. The notice allowed a shortened statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on October 9, 2008. A Notice of Abandonment was mailed January 26, 2010.

The response filed February 12, 2010, is noted.

The application is being forwarded to Technology Center 2400, GAU 2456for 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-25-08

TO SPE OF : ART UNIT 3673

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/784167 Patent No.: 7434428

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

Should drawings be entered?

E. James
Certificates of Correction Branch
703-308-9390 ext. _____

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: Drawings should be entered.
LG
AU 3673

SPE

3673
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/784,211	04/04/2007	Philippe J. Goix	31469-701.502	2729

21971 7590 03/27/2008
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER	
GAKH, YELENA G	
ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
03/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

3-27-08

In re application of
Philippe J. Goix et al
Serial No. 11/784,211
Filed: April 4, 2007
For: METHODS AND COMPOSITIONS FOR HIGHLY SENSITIVE DETECTION OF MOLECULES

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on March 12, 2008 to make the above-identified application special based on countering terrorism.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection XI (countering terrorism) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web and the application contains greater than twenty total claims (49 claims).

Furthermore, the application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not in condition for examination. Note, specifically, the NOTICE TO FILE MISSING PARTS mailed on June 8, 2007, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

Additionally, the petition to make special was not filed concurrently with the application as required by MPEP § 708.02(a).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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MAR 21 2008

OFFICE OF PETITIONS

Dr. James I. Tonnison
442 Main Street, #5
Oneida NY 13421

In re Application of :
Tonnison, et al. : DECISION ON PETITION
Application No. 11/784,221 :
Filed: April 6, 2007 :
Atty. Dkt. No.: DESIGNATED :
SCREEN CAPTURING AND AUTOMATIC :
IMAGE EXPORTING :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed January 15, 2008.

The petition is hereby DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The instant application became abandoned July 2, 2007 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 1, 2007. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was submitted. Notice of Abandonment was mailed January 10, 2008.

Petitioners argue that a reply to the Notice was timely submitted May 8, 2007. Petitioners have submitted a copy of the reply allegedly submitted on May 8, 2007.

A review of the copy of the reply reveals that it was not mailed in accordance with the provisions of 37 CFR 1.8(a)(1) which states that "[c]orrespondence will be considered as being timely filed if: (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being: (A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; (B) Transmitted by facsimile to the Patent and Trademark Office in

accordance with § 1.6 (d); or (C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and (ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated."

Accordingly, it cannot be found that a proper reply to the Notice was timely submitted.

Even assuming *arguendo* that the reply alleged to have been timely submitted May 8, 2007 had been received, the reply would not have been entered as it does not appear to have been properly executed in accordance with 37 CFR 1.33(b) which states: "[a]mendments 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.)

The copy of the reply to the Notice, allegedly timely submitted, is not executed by each inventor named in the application.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

In view thereof, the petition to withdraw the holding of abandonment is dismissed on both grounds set forth herein.

Any renewed petition must sufficiently establish that a proper reply to the Notice was timely submitted.

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides 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". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

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 delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). (See, enclosed.)

Further, an examination of this application reveals that applicant may not be familiar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site http://www.uspto.gov in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure

PTO/SB/64 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE NY 13202-1355

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JUN 20 2008

In re Application of :
Tonnison, et al. : DECISION ON PETITION
Application No. 11/784,221 :
Filed: April 6, 2007 :
Atty. Dkt. No.: DESIGNATED :
SCREEN CAPTURING AND AUTOMATIC :
IMAGE EXPORTING :

This decision is in response to the petition renewed under 37 CFR 1.137(b) filed April 28, 2008.

The petition is hereby GRANTED.

The instant application became abandoned July 2, 2007 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 1, 2007. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was submitted. Notice of Abandonment was mailed January 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply; (2) the required petition fee; 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.

The change of correspondence address/power of attorney submitted herewith has been entered into the record.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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CURTIS D KINGHORN
SIRIUS STRATEGIC LLC
6769 W SHADOW LAKE DR
LINO LAKES MN 55014

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AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Deborah Monden	:	
Application No. 11/784,234	:	DECISION DISMISSING PETITION
Filed: April 6, 2007	:	
Attorney Docket No. Monden - 1	:	

This is a decision on the petition filed July 5, 2007, to accord the above-identified application a filing date of April 6, 2007, with Figures 12 - 19 of the drawings as part of the original disclosure.

Application papers in the above-identified application were filed on April 6, 2007. However, on May 2, 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, Figures 12 - 19 of the drawings appeared to have been omitted. The Notice set a two month extendable period for reply.

In response, on July 5, 2007, applicant filed the present petiiton. Applicant asserts that Figures 12 - 19 were filed on April 6, 2007.

The PTO file is the official record of papers originally filed in this application. A review of the official file reveals drawings (11 figures on 11 sheets) belonging to a different application than that described in the specification. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The assertions in the petition contain counsel's recall of routine events and are not more persuasive than the record of what was filed as shown by the official file.

Furthermore, the Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice 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 MPEP 503. **Applicant has not submitted a proper return postcard showing that 19 figures of drawings were filed on April 6, 2007.**

Accordingly, the petition is **DISMISSED**.

Applicant may file a request for reconsideration providing they submit a proper postcard receipt showing that 19 figures of drawings were filed on April 6, 2007.

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 Initial Patent Examination for pre-examination processing, using the application papers filed on April 6, 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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United States Patent and Trademark Office
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6769 W SHADOW LAKE DR
LINO LAKES MN 55014

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Deborah Monden	:	
Application No. 11/784,234	:	DECISION GRANTING PETITION
Filed: April 6, 2007	:	
Attorney Docket No. Monden - 1	:	

This is a decision on the renewed petition filed October 23, 2007, to accord the above-identified application a filing date of April 6, 2007, with Figures 12 - 19 of the drawings as part of the original disclosure.

Application papers in the above-identified application were filed on April 6, 2007. However, on May 2, 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, Figures 12 - 19 of the drawings appeared to have been omitted. The Notice set a two month extendable period for reply.

In response, on July 5, 2007, applicant filed a petition. Applicant asserted that Figures 12 - 19 were filed on April 6, 2007. However, the petition was dismissed in a decision mailed on August 6, 2007. The decision pointed out that applicant had not submitted a USPTO date-stamped, postcard receipt, itemizing the drawings.

With the instant renewed petition, applicant has submitted a postcard receipt, bearing a USPTO date-stamp of April 6, 2007, an itemizing 11 sheets of formal drawings.

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 MPEP 503.

Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Office of Patent Application Processing, for further processing with a filing date of April 6, 2007, using the 11 sheets of drawings (containing 19 Figures) submitted on petition filed July 6, 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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SILLS CUMMIS EPSTEIN & GROSS P.C.
ONE RIVERFRONT PLAZA
IP DEPARTMENT
NEWARK, NJ 07102

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of :
Coleman, et al. :
Application No. 11/784,270 : DECISION GRANTING PETITION
Filed: April 5, 2007 :
Attorney Docket No. 040034U001 :

This is a decision on the petition filed May 10, 2007, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of April 5, 2007, rather than the filing date accorded of April 5, 2007[1].

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on April 5, 2007. In support of the allegation, the petition is accompanied by a copy of the Express Mail receipt for package EV946422720US reflecting a date-in of April 5, 2007. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on April 5, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is April 5, 2007.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 5, 2007, and for issuance of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] At the time of this decision, the filing date for the application has been changed to April 5, 2007. The petition does not present a moot issue, however, because the original filing receipt for the application showed an application filing date of April 6, 2007.

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FERNANDEZ & ASSOCIATES LLP
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SUITE 201
MENLO PARK, CA 94025

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JUN 23 2009

OFFICE OF PETITIONS

In re Application of
Konrad Feldman et al
Application No. 11/784,299
Filed: April 6, 2007
Attorney Docket No. CERT-P010

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 11, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys associated with customer no. 22877 has been revoked by the assignee of the patent application on February 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 571-272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

QUANTCAST/FENWICK
SILICON VALLEY DRIVE CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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JUN 23 2009

OFFICE OF PETITIONS

In re Application of :
Konrad Feldman et al :
Application No. 11/784,299 : DECISION ON PETITION
Filed: April 6, 2007 : TO WITHDRAW
For: AUDIENCE COMMONALIT AND MEASUREMENT : 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 11, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to practitioners associated with customer no. 22877 has been revoked by the assignee of the patent application on February 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 571-272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

QUANTCAST/FENWICK
SILICON VALLEY DRIVE CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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Robert E. Howard
P.O. Box 10345
Eugene, OR 97440-2345

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NOV 05 2009

OFFICE OF PETITIONS

In re Application of :
David G. Gregory :
Application No. 11/784,306 : ON PETITION
Filed: April 5, 2007 :
Attorney Docket No. 4507 :

This is a decision on the petition under 37 CFR 1.137(b), on August 27, 2009, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Restriction/Election Requirement mailed February 3, 2009. A Notice of Abandonment was mailed on August 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) an election; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3618 for review of the response filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUGH D JAEGER, P.A.
P.O. BOX 672
WAYZATA MN 55391-0672

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AUG 2 0 2007

OFFICE OF PETITIONS

In re Application of :
Randall P. Robarge
Application No.: 11/784,369 : ON PETITION
Filed: April 9, 2007 :
Attorney Docket No.: ROBARGEP625 :

This a decision on the petition filed May 21, 2007, titled "Petition and Request to Waive Fee". The petition will be treated as request to withdraw the "Notice of Omitted Items in a Nonprovisional Application" (the "Notice") mailed May 1, 2007, in the above-cited application.

The petition is **dismissed.**

The application was filed on April 9, 2007. On May 1, 2007, the Initial Patent Examination Division mailed the Notice stating, in pertinent part, that the application had been accorded a filing date of April 9, 2007, but that Figures 18 as described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner argued therein that eighteen sheets of drawings were filed on April 9, 2007, and that Figure 18 was included therein. In support, the petition is accompanied by statements authored by persons having first-hand knowledge as to the application's filing and a copy of the postcard that accompanied the application. It is noted that the postcard specifically indicates that one sheet of drawing was not received with the application papers on April 9, 2007.

The arguments have been considered, but are not persuasive. The Patent and Trademark Office (the "Office") file is the official record of the papers originally filed in this application, and it is presumed that the papers that the Office has on file are the only papers filed, absent an Office date-stamped postcard receipt evidencing the Office's receipt of additional items. In this case, the Office has expressly indicated that one sheet of the 18 pages of the drawings noted on the postcard was not received. Accordingly, the statements provided and the postcard is not sufficient to overcome the aforementioned presumption.

The petition is dismissed. The petition fee will not be refunded as it was not established that the petition was necessitated by an Office error.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of April 9, 2007, using the 17 sheets of drawings filed on April 9, 2007. Thereafter, the application file will be forwarded to the appropriate technology center where the preliminary amendment filed May 21, 2007, requesting entry of Figure 18 will be considered.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petition Attorney
Office of Petitions

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United States Patent and Trademark Office
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Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 04/21/2010

Applicant	: Ping Xiao	: DECISION ON REQUEST FOR
Patent Number	: 7639052	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/784,373	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **163** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Law Office of Collen A. Beard, LLC
P.O. Box 1064
Decatur, GA 30031-1064

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OCT 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Omar M. Lattouf	:	
Application No. 11/784,385	:	DECISION ON PETITION
Filed: April 6, 2007	:	TO WITHDRAW
Attorney Docket No. TCT 300	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 19, 2008.

The request is **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 Collen A. Beard 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.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Omar M. Lattouf**
4262 Regency Court, NW
Atlanta, GA 30327

cc: **TransCardiac Therapeutics, LLC**
3355 Lenox Road NE, Suite 415
Atlanta, GA 30326

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
11/784,385	04/06/2007	Omar M. Lattouf	TCT 300

CONFIRMATION NO. 4860

POWER OF ATTORNEY NOTICE

44260
LAW OFFICE OF COLLEN A. BEARD, LLC
P. O. BOX 1064
DECATUR, GA 30031-1064

OC000000032794949

Date Mailed: 10/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/19/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MANFRED BECK PA
PO BOX 431255
SOUTH MIAMI, FL 33243-1255

Mail Date: 05/14/2010

Applicant	: Rolf Bosse	: DECISION ON REQUEST FOR
Patent Number	: 7639019	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/784,409	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **132** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Mark J. Pandiscio
Pandiscio & Pandiscio, P. C.
470 Totten Pond Road
Waltham, MA 02451-1914

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OCT 23 2007

OFFICE OF PETITIONS

In re Application of Matsui et al. :
Application No. 11/784,411 : Decision on Petition
Filing Date: April 6, 2007 :
Attorney Docket No. TAYE-72 :

This is a decision in response to the petition filed July 12, 2007, requesting the Office acknowledge Figure 5 of the drawings was filed as part of the original application.

The petition is **granted**.

The application was filed April 6, 2007.

The Office of Initial Patent Examination mailed a Notice of Missing Items on May 7, 2007. The Notice required the submission of corrected drawings and stated Figure 5 of the drawings did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges Figure 5 was filed with the original application.

The USPTO file for this application includes only four sheets of drawings. The file does not contain the 5 pages, including the page containing Figure 5, petitioner alleges were filed with the original application. However, petitioner has submitted a postcard receipt acknowledging receipt of 5 sheets of drawings on April 6, 2007.[1] Therefore, the Office is persuaded that the drawing page containing Figure 5 was part of the originally filed application but was later misplaced by the Office.

The Office has scheduled a refund of the $400 petition fee.

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of April 6, 2007, using the papers filed on April 6, 2007, and the five sheets of corrected drawings filed on July 12, 2007.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of

Harrihar A. Pershadingh
Application No. 11/784,436
Filed: April 6, 2007
Attorney Docket No. 421842000402

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 27, 2010, 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 an affidavit declaration stating applicant's health is such that he or she may not be available to assist in the prosecution of this application if it were to run its normal course. 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 1628 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAR 2 7 2009

OFFICE OF PETITIONS

In re Application of :

ORLOSKE, Brian S. et al. :
Application No. 11/784,439 : DECISION ON PETITION
Filed: April 06, 2007 : TO WITHDRAW
Attorney Docket No. **15138.1US11** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 12, 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: **BRIAN ORLOSKE**
US CAPITAL & TRUST COMPANY, INC.
P.O. BOX 25920
ST. PAUL MN 55107

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of :

ORLOSKE, Brian S. et al. :
Application No. 11/784,439 : DECISION ON PETITION
Filed: April 06, 2007 : TO WITHDRAW
Attorney Docket No. **15138.1USI1** : 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 28, 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 Erik Swenson on behalf of all attorneys of record who are associated with customer No. 23552. All attorneys/agents associated with the Customer Number 23552 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 Brian Orloske 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: **BRIAN ORLOSKE**
US CAPTIAL & TRUST COMPANY, INC.
P.O. BOX 25920
ST. PAUL MN 55107

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OFFICE OF PETITIONS

DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

In re Application of	:
Olaf W. Mjelde et al	:DECISION GRANTING FILING
Application No. 11/784,444	:DATE OF APRIL 5, 2007
Filed: April 5, 2007	:
Attorney Docket No. 3426-PAT	:

This is a decision on the petition filed May 7, 2007, requesting that the above-identified application be accorded a filing date of April 5, 2007 rather than the presently accorded date of April 6, 2007.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on April 5, 2007 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV950301855US showing a date-in and stamped date of April 5, 2007. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal."

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on April 5, 2007.

The petition is **granted**.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (571) 272-3208.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of April 5, 2007 and for mailing of a corrected filing receipt.

Karen Creasy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MITCHELL P. BROOK
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

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MAY 30 2008

OFFICE OF PETITIONS

In re Application of :
BLUM, et al. :
Application No. 11/784,445 : DECISION ON PETITION
Filed: April 5, 2007 : TO WITHDRAW
Attorney Docket No. **31876-1050** : 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 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 reason set forth in the request does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **SCOTT BLUM**
605 EAST HANSEN
JACKSON, WY 83001

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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.
11/784,453	04/06/2007	Shigeki Ooya	4041J-001284	4336

7590 09/03/2009

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
BOBISH, CHRISTOPHER S	

ART UNIT	PAPER NUMBER
3746	

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.

Miomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/08/2009 NFARMER 0030168723

CHECK Refund Total: $530.00

Adjustment date: 09/08/2009 NFARMER
04/10/2007 WABDELR1 00000008 11784453
02 FC:1111 -500.00 OP

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2099 PENNSYLVANIA AVE
SUITE 100
WASHINGTON DC 20006

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APR 12 2010

OFFICE OF PETITIONS

In re Application of :
Kevin F. PUCCINI :
Application No. 11/784,456 : DECISION ON PETITION
Filed: April 6, 2007 :
Docket No. 118515-00012 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 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 application became abandoned on September 12, 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) and a proper 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 2831 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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400 SOUTH HOPE STREET
LOS ANGELES, CA 90071-2899

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OFFICE OF PETITIONS

In re Application of

Stephen H. MONROE, et al.
Application No. 11/784,462
Filed: April 5, 2007
Attorney Docket No. **335,699-097**

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 27, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by John Kappos 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.

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 application became abandoned for failure to timely respond to the final Office action mailed September 24, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **STEPHEN H. MONROE**
2082 LINDEN
MEMPHIS, TN 37810

cc: **GREYSTONE PHARMACEUTICALS, INC.**
16261 BASS ROAD, SUITE 202
FT. MYERS, FL 33908

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RAYMOND J. WERNER
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HILLSBORO, OR 97124

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OFFICE OF PETITIONS

In re Application of :
Patrick A. Quinn, et. al. :
Application No. 11/784,489 : ON PETITION
Filed: April 5, 2007 :
Attorney Docket No. Avnera.P004 :

This is a decision on the petition under 37 CFR 1.137(b), filed on February 25, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed May 1, 2007. A Notice of Abandonment was mailed on January 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form $105 for one independent claim in excess of three; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :
Yuk Ming Dennis Lo et al. :
Application No. 11/784,501 : DECISION REFUSING STATUS
Filed: April 6, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 016285-005110US :

This is in response to the petition filed August 17, 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 6, 2007 with an unsigned oath or declaration. Accordingly, on May 15, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration signed by all inventors except joint inventor Hing Nam Ivy Wong was filed August 17, 2007 with a certificate of mail dated August 15, 2007 and a one month extension of time request. The petition argues that after diligent efforts, joint inventor Hing Nam Ivy Wong cannot be located.

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 (1).

Petitioners have shown that the application papers were mailed to non-signing inventor Wong but that the package has been returned undeliverable. Petitioners have not shown however that diligent efforts have been made to locate the non-signing inventor.[1]

Petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate Ms. Wong such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate her, send or give a copy of the application papers to her, and request that she sign and return the declaration. If repeated attempts to contact the non-signing inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that she cannot be found despite diligent efforts.

If Ms. Wong refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d).

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SAN FRANCISCO CA 94111-3834

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JAN 30 2008

OFFICE OF PETITIONS

In re Application of :
Yuk Ming Dennis Lo et al. :
Application No. 11/784,501 : DECISION ACCORDING STATUS
Filed: April 6, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 016285-005110US :

This is in response to the request for reconsideration filed January 9, 2008, under 37 CFR 1.47(a)[1].

The petition is **GRANTED**.

The above-identified application was filed on April 6, 2007 with an unsigned oath or declaration. Accordingly, on May 15, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, an oath or declaration signed by all inventors except joint inventor Hing Nam Ivy Wong was filed August 17, 2007 with a certificate of mail dated August 15, 2007 and a one month extension of time request. The petition argued that after diligent efforts, joint inventor Hing Nam Ivy Wong could not be located but was dismissed in a decision mailed September 7, 2007 because the proof presented did not support a claim that diligent efforts had been made to locate the non-signing inventor.[2]

In response to the decision dismissing the petition filed August 17, 2007, the instant petition with a two month extension of time request shows that diligent efforts have been employed to determine Ms. Wong's address and to have the application papers delivered to her. Although the package was delivered to the last known address, the evidence shows that the non-signing inventor has not returned an executed copy of the oath or declaration.

---

[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.

[2] MPEP 409.03(d).

All requirements under 37 CFR 1.47(a) therefore having been met, 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 matter is being referred to the Office of Patent Application Processing 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
Senior Petitions Attorney
Office of Petitions

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Lewis B. Sternfels
3100 Inglewood Boulevard
Los Angeles CA 90066-1062

NOV 0 8 2007

In re Application of: CONFORTES Serial No.: 11/784,530 Filed: April 6, 2007 Title: SELF-LIMITING DEPTH GAUGE SPHERICAL DENTAL BURR AND METHOD OF USE	:	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 November 1, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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APR 2 1 2009

IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

In re Application of:
Gombotz et al.
Serial No.: 11/784,538
Filed: April 6, 2007
Attorney Docket No.: **3382-US-CNT**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed March 5, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 5, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

In re Application of:
Grombotz et al.
Serial No.: 11/784,538
Filed: April 6, 2007
Attorney Docket No.: **3382-US-CNT**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed September 21, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that information submitted to the Patent Office on March 5, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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P.O. BOX 10395
CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of :
Dean Thomas Wisniewski et al :
Application No. 11/784,555 : DECISION GRANTING
Filed: April 6, 2007 : PETITION
Attorney Docket No. 10541-2380 :

This is a decision on the petition, filed June 20, 2007, requesting that the above-identified application be accorded a filing date of April 6, 2007, rather than the presently accorded date of April 9, 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 6, 2007. In support of this allegation, petitioner has submitted a copy of Express Mail label receipt number EV 329458056 US, which bears a hand-written "date-in" of April 6, 2007. Evidence in support of the allegation that the Express Mail package in question was deposited on April 6, 2007 includes a copy of the results from the USPS Express Mail Track and Confirm database, which shows that the package at issue was accepted at the Ann Arbor, MI, USPS at 4:00 pm. The above-noted Express Mail number appears on the originally filed application papers of this file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" 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 6, 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 6, 2007 and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed Irvin Dingle at (571) 272-3210.
Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

/David Bucci/
David Bucci
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Nicholas Mark Wiltz
1315 C Street.
Hood River OR 97031

COPY MAILED

AUG 2 9 2008

OFFICE OF PETITIONS

In re Application of :
Nicholas Mark Wiltz :
Application No. 11/784,562 : DECISION ON PETITION
Filed: April 6, 2007 :
Title: COLLAPSIBLE PERIMETER :
SUPPORTED WIND PROPULSION :
DEVICE :

This is a decision on the "PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g)," filed February 15, 2008, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f). Extensions of time under §1.136(a) are not permitted.

The above-identified application became abandoned for failure to file a response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed May 10, 2007. This Office action set a two-month time limit for applicant to file replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). Extensions of time were obtainable under § 1.136(a). No reply considered received and no extension of time obtained, the application became abandoned effective July 11, 2007. A courtesy Notice of Abandonment was mailed on January 23, 2008.

In response, applicant filed the instant petition. Applicant requests that the application be revived on the grounds that the

originally filed reply was a timely submission and satisfied the requirements. Applicant maintains that a reply to the Notice was timely filed, and that a few days after submission he was given verbal confirmation that the submission was indeed received in a timely fashion and satisfied the requirements. Applicant states that the petition includes a copy of originally-filed reply to the Notice, including replacement drawings; and a copy of the Express Mail Mailing label dated July 2, 2007.

The image file wrapper for this application is the Official record of all papers received in the Office in this application. A review of the image file wrapper reveals that no replacement drawings were received in this application in response to the Notice to File Corrected Application Papers. The Office will rely upon its official record in absence of convincing evidence (e.g., a postcard receipt under MPEP § 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office.

Applicant's arguments and evidence have been considered, but not found convincing that the replacement drawings were timely filed. First, of all, the petition does not include a copy of an Express Mail mailing label, as asserted. Second, the copy of the drawings submitted on petition does not evidence their timely filing on (or about) July 2, 2007, by Express Mail or otherwise. In order to be entitled to the date of deposit in Express Mail, applicant must provide an Express Mail mailing label with a date-in completed by the USPS (or other Official notation) and a copy of the correspondence as originally mailed showing the Express Mail mailing label number thereon. Finally, any purported verbal confirmation of timely submission does not overcome the evidence of record that the replacement drawings were not timely filed. Such evidence as purported verbal confirmation of submissions should not be relied on as applicants have avenues by way of compliance with 37 CFR 1.10, 37 CFR 1.8 or itemized return postcard practice (MPEP 503) to establish timely submission of papers filed in the Office.

If applicant cannot provide persuasive evidence of timely filing of the replacement drawings, applicant may submit a petition to revive pursuant to § 1.137.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Nicholas Mark Wiltz
1315 C Street.
Hood River OR 97031

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FEB 13 2009

OFFICE OF PETITIONS

In re Application of :
Nicholas Mark Wiltz :
Application No. 11/784,562 : DECISION ON PETITION
Filed: April 6, 2007 :
Title: COLLAPSIBLE PERIMETER :
SUPPORTED WIND PROPULSION :
DEVICE :

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed October 7, 2008, requesting that the above-identified application be revived.

The petition is **GRANTED**.

The above-identified application became abandoned effective July 11, 2007 for failure to file a response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed May 10, 2007. A courtesy Notice of Abandonment was mailed on January 23, 2008. By decision mailed August 26, 2008, the initial "PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g)," filed February 15, 2008, was dismissed. The petition did not include a persuasive showing, as alleged, that replacement drawings were timely filed in response to the Notice.

Applicants now request revival based on unintentional delay. The petition has been reviewed, and it is determined that applicants have met the requirements for revival pursuant to 37 CFR 1.137(b). The required reply in the form of replacement drawings was submitted on initial petition filed February 15, 2008. The petition includes payment of the petition fee and the

required statement of unintentional delay. No terminal disclaimer is required for revival of this application.

The application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the replacement drawings submitted on petition filed February 15, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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OCT 0 1 2009

OFFICE OF PETITIONS

BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

In re Application of :
FELLHOELTER, Scott T. :
Application No. 11/784,564 : DECISION ON PETITION
Filed: April 09, 2007 : TO WITHDRAW
Attorney Docket No. **SF01-02U** : 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 15, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kirk Buhler, the sole attorney of record. Kirk Buhler has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first inventor Scott Fellhoelter at the address indicated below. There is an outstanding Office action mailed July 22, 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: **SCOTT FELLHOELTER**
22415 WHIRLAWAY CT
CANYON LAKE CA 92587

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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Gary J. Morris, Ph.D.
West Virginia University Research Corporation
886 Chestnut Ridge Road
Morgantown WV 26506-6224

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OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of :
LOTH, John L. :
Application No. 11/784,645 : DECISION ON PETITION
Filed: April 9, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2007-384 : 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 the declaration of inventor John L. Loth, 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.

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 3752 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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HOWREY LLP
c/o IP Docketing Department
2941 Fairview Park Drive, Suite 200
Falls Church, VA 22042

MAILED

MAR 26 2009

OFFICE OF PETITIONS

In re Application of	:	
David Randolph Smith, et al.	:	
Application No. 11/784,655	:	DECISION ON PETITION
Filed: April 9, 2007	:	TO WITHDRAW
Attorney Docket No. 0286.0451.DVUS02	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 2008.

The request is **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 Jade O. Laye 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: **David Randolph Smith**
3100 Regent Street
Kilgore, TX 75583

cc: **Mr. Rexford A. Johnson**
Zarian Midgley & Johnson PLLC
University Plaza
960 Broadway Ave., Suite 250
Boise, ID 83706

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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
11/784,655	04/09/2007	David Randolph Smith	10286.0451.DVUS02

CONFIRMATION NO. 5612

POWER OF ATTORNEY NOTICE

71676
HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE , Suite 200
FALLS CHURCH, VA 22042

OC000000035171310

Date Mailed: 03/25/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/23/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Sylvia Tantillo

Application No. 11784656

Filed: April 9,2007

Attorney Docket No. 4055.003

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-SEP-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 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

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LAW OFFICE OF COLLEN A. BEARD, LLC
P.O. BOX 1064
DECATUR, GA 30031-1064

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of :
Omar M. LATTOUF :
Application No. 11/784,681 : DECISION ON PETITION
Filed: April 9, 2007 : TO WITHDRAW
Attorney Docket No. TCT 400 FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 19, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorney of record was not appointed by Customer Number 44280, 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: TRANSCARDIAC THERAPEUTICS, LLC
3365 LENOX ROAD NE, SUITE 415
ATLANTA, GA 30326

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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COLLEN A. BEARD, ESQ.
LAW OFFICE OF COLLEN A BEARD, LLC
P.O. BOX 1064
DECATUR, GA 30031-1064

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OFFICE OF PETITIONS

In re Application of :
Omar M. LATTOUF :
Application No. 11/784,681 : DECISION ON PETITION
Filed: April 9, 2007 : TO WITHDRAW
Attorney Docket No. 19892-66694 : 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 30, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Law Office of Collen A. Beard, LLC, has been revoked by the assignee of the patent application on October 31, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communication from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TRANSCARDIAC THERAPEUTICS LLC
3355 LENOX ROAD NE, SUITE 415
ATLANTA, GA 30326

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USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Widmer, et al.	:	DECISION GRANTING STATUS
Application No. 11/784,719	:	UNDER 37 CFR 1.47(a)
Filed: April 9, 2007	:	
Attorney Docket No. 0106.07	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 2, 2007.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, David Stewart, has refused to join in the filing of the above-identified application. The $200.00 petition fee will be charged to petitioners' deposit account.

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 1632 for examination in due course.

Telephone inquiries regarding this decision should 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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Alexandria, VA 22313-1450
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DAVID STEWART
2820 NW 45TH STREET
BOCA RATON FL 33434

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of :
Widmer, et al. :
Application No. 11/784,719 : LETTER
Filed: April 9, 2007 :
Attorney Docket No. 0106.07 :

Dear Mr. Stewart:

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).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

Mail Date: 04/21/2010

Applicant	: Uwe Paar	: DECISION ON REQUEST FOR
Patent Number	: 7645404	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/784,732	: 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 **82** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

Mail Date: 05/18/2010

Applicant : Uwe Paar
Patent Number : 7645404
Issue Date : 01/12/2010
Application No: 11/784,732
Filed : 04/09/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **114** 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.
11/784,783	04/09/2007	David John Bishop	59-21-18-23-26-25	6542

7590 06/11/2010

Michael J. Urbano
1445 Princeton Drive
Bethlehem, PA 18017-9166

EXAMINER	
FRITCHMAN, REBECCA M	

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
06/11/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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wk

Mailed:

JUN 11 2010

In re application of	:	
Bishop et al.	:	DECISION ON
Serial No. 11/784,783	:	PETITION
Filed: April 9, 2007	:	
For: Micro-Channel Chemical Concentrator	:	

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on April 5, 2010 to withdraw the final status of the office action dated January 5, 2010 and to reset the time for response.

The Examiner in an interview dated April 5, 2010 reached an agreement about the finality of the office action and the filing of the petition to withdraw finality. The filing of the petition would withdraw the finality of the office action and would reset the time for response.

DECISION

The petition for withdrawal of finality is **GRANTED.**

The time for response will be reset to start with the mail date of this decision.

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Michael J. Urbano
1445 Princeton Drive
Bethlehem PA 18017-9166

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OFFICE OF PETITIONS

K&L GATES LLP
1900 MAIN STREET,
SUITE 600
IRVINE, CA 92614-7319

In re Application of :
Jeffrey SMITH, et al :
Application No. 11/784,796 : DECISION ON PETITION
Filed: April 10, 2007 :
Docket No. SAFES-011A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 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, October 3, 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 January 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 amendment, (2) the petition fee of $810; and (3) and the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on December 17, 2009, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's Deposit Account No. 50-3207.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The Revocation Power of Attorney filed with the petition on December 17, 2009, has been acknowledged and accepted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3767 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/784,796	04/10/2007	Jeffrey Smith	SAFES-011A

CONFIRMATION NO. 7293

POWER OF ATTORNEY NOTICE

7663
STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

Date Mailed: 03/03/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2009.

- 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).

/dcgoodwyn/

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
11/784,796	04/10/2007	Jeffrey Smith	SAFES-011A

CONFIRMATION NO. 7293

POA ACCEPTANCE LETTER

45200
K&L Gates LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319

OC000000040389564

Date Mailed: 03/03/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2009.

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.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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ALISO VIEJO CA 92656

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
Jeffrey SMITH, et al :
Application No. 11/784,797 : DECISION ON PETITION
Filed: April 10, 2007 :
Docket No. SAFES-012A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 29, 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 March 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on June 30, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 19-4330.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3763 for appropriate action by the Examiner in the normal course of business on the reply received June 30, 2009.

Thurman K. Page
Petitions Examiner
Office of Petitions

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PALO ALTO, CA 94304

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
Ryan B. Cunningham, et. al. :
Application No. 11/784,843 : DECISION ON PETITION
Filed: April 9, 2007 : TO WITHDRAW FROM
Attorney Docket No. 085804-726101 : 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

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Patrick S. Yoder
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289

Mail Date: 04/27/2010

Applicant	: Christopher L. Strong	: DECISION ON REQUEST FOR
Patent Number	: 7587897	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/784,846	: OF WYETH
Filed	: 04/10/2007	:
		:

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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2815 TOWNSGATE ROAD
SUITE 215
WESTLAKE VILLAGE, CA 91361-5827

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APR 23 2010

OFFICE OF PETITIONS

Applicant: Daghighian, et al.
Appl. No.: 11/784,854
Filing Date: April 7, 2007
Title: Detection of Radiation Labeled Sites Using a Radiation Detection Probe or Camera Incorporating a Solid State Photo-Multiplier
Attorney Docket: 402-26-024
Pub. No.: 2010/0010343 A1
Pub. Date: January 14, 2010

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on March 8, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error in the drawings wherein the informal set of drawings were published instead of the corrected set submitted July 6, 2007.

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.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Intel Corporation
c/o Intellevate, LLC
P.O. Box 52050
Minneapolis, MN 55402

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JUL 16 2008

In re Application of	:	
Bratin Saha	:	
Application No. 11/784,859	:	DECISION ON PETITION
Filed: April 9, 2007	:	
Attorney Docket No. P24805	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 29, 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 11, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 12, 2007. A Notice of Abandonment was mailed January 25, 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 and declaration with the required fee of $130 (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to 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 29, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: David P. McAbee
2111 NE 25th Avenue
Hillsboro, OR 97124

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/784,867	04/10/2007	Masatoshi Saitoh	PTI-106-A	6576

7590 08/07/2009

CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER	
BRITTAIN, JAMES R	

ART UNIT	PAPER NUMBER
3677	

NOTIFICATION DATE	DELIVERY MODE
08/07/2009	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: 08/07/2009 NFARMER
04/11/2007 MWOLDGE1 00000046 580744 11784867
02 FC:1111 500.00 CR

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SAN DIEGO, CA 92123

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SEP 18 2007

OFFICE OF PETITIONS

In re Application of :
Junichi KOIKE, et al :
Application No. 11/784,879 : DECISION ON PETITION
Filed: April 10, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 13024-302US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 22, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration signed by applicant Hideaki Kawakami. 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 2814 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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15TH FLOOR
PHILADELPHIA, PA 19103

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of :
Burgo et al. :
Application No. 11/784,899 : ON PETITION
Filed: April 10, 2007 :
Attorney Docket No. I0113-53U :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 8, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the date of abandonment of this application is October 9, 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 Request for Continued Examination (RCE) and fee of $810, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on January 20, 2009 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 Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 1615 for processing of the RCE and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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2ND FLOOR
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JUN 24 2010

OFFICE OF PETITIONS

In re Application of :
Burgo et al. :
Application No. 11/784,899 : DECISION ON PETITION
Filed: April 10, 2007 :
Attorney Docket No. I0113-53U1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner within the meaning of 37 CFR 1.113 to the final Office action mailed October 30, 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 timely obtained. Accordingly, the application became abandoned on January 31, 2010. A Notice of Abandonment was mailed May 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of $540.00; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

Further, 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Additionally, 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 $1,110.00, three- month extension of time fee submitted with the petition on May 24, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1615 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Joan Olszewski
Petitions Examiner
Office of Petitions

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M/S 124-323
CEDAR RAPIDS IA 52498

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OFFICE OF PETITIONS

In re Application of :
TSAMIS et al. : DECISION ON PETITION
Application No. 11/784,910 :
Filed: 04/10/2007 :
Attorney Docket No. 05CR511D/KE :

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper response to the nonfinal Office action mailed August 1, 2008, which set a three-month shortened statutory period to reply. The above-identified application became abandoned on November 2, 2008. A Notice of Abandonment was mailed February 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply, (2) the petition fee, and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2831 for appropriate action by the Examiner in the normal course of business on the reply received on March 2, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Ryan B. Cunningham, et. al. :
Application No. 11/784,918 : DECISION ON PETITION
Filed: April 9, 2007 : TO WITHDRAW FROM
Attorney Docket No. 085804-726107 : 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

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of :
Nathan P. Lower, et al. :
Application No. 11/784,932 : DECISION ON PETITION
Filed: April 10, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 047141-0628 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on January 16, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **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) and (iii) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above. In this regard, petitioner submitted an Application Data Sheet (ADS) which is not signed in accordance with 37 CFR 1.33 and 10.18. See also 37 CFR 1.4(d) for the form of the signature. It is noted that an amendment was simultaneously filed; however the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an

application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web[1]

Telephone inquiries concerning this decision should be directed to Sherry Brinkley at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/784,932	04/10/2007	Nathan P. Lower	06CR625/KE

CONFIRMATION NO. 6188

POWER OF ATTORNEY NOTICE

ROCKWELL COLLINS, INC.
Attention: Kyle Eppele M/S 124-323
400 Collins Rd. NE
Cedar Rapids, IA 52498

Date Mailed: 03/18/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/16/2009.

- 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).

/sdbrinkley/

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
11/784,932	04/10/2007	Nathan P. Lower	047141-0628

CONFIRMATION NO. 6188

26371
FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

POA ACCEPTANCE LETTER

OC000000035070644

Date Mailed: 03/18/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/06/2009.

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.

/sdbrinkley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

MAILED

JUN 23 2009

OFFICE OF PETITIONS

In re Application of :
Nathan P. Lower, et al. :
Application No. 11/784,932 : DECISION ON PETITION
Filed: April 10, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. (06CR625/KE) 047141-0628 :

This is a decision in response to the renewed petition, filed May 22, 2009, 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 a prior-filed nonprovisional application.

The petition is **GRANTED**.

A review of the record discloses that the application was filed on September 29, 2006. On January 16, 2009, a petition under 37 CFR 1.78(a)(3) was filed, since a timely reference to the prior filed nonprovisional application was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rule. The petition, however, was dismissed in a decision mailed March 25, 2009 because the ADS was unexecuted and the amendment required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application included an improper incorporation by reference statement.

In response, on May 22, 2009, the present petition was filed, along with an ADS. However, petitioner argues that the incorporation by reference statement should be accepted since "a legally adequate incorporation by reference has been provided in accordance with 37 CFR 1.57(g)(2)".

It is initially pointed out that the ADS entitled supplemental ADS filed on renewed petition is properly executed and the ADS includes the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i), of the prior-filed application. Specifically, the ADS includes references to prior-filed application No. 11/508,782, with the appropriate relationship stated as continuation-in-part. Accordingly, the ADS is being accepted for purposes of satisfying the requirements of 37 CFR 1.78(a)(3).

However, the previous decision that the amendment containing the incorporation by reference statement was not acceptable on petition under 37 CFR 1.78(a)(3) is affirmed. The fact that the noncompliance of the incorporation by reference on filing of the application may be corrected by way of amendment pursuant to 37 CFR 1.57(g)(2) does not change the conclusion that such an amendment is not proper to add the benefit claim on petition under 37 CFR 1.78(a)(3).

With respect to 37 CFR 1.57(g)(2), correction of the incorporation by reference statement is by way of amendment. Accordingly, the amendment filed January 29, 2009 is being referred back to the examiner for consideration, as requested, of the corrected incorporation by reference made pursuant to 37 C.F.R. 1.57(g)(2). (See page 5, last paragraph, amendment filed January 29, 2009). It is noted that the application intended to be incorporated appears to be sufficiently described to uniquely identify the application within the meaning of 37 CFR 1.57(g)(2).

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) 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 application(s). In order for this application to be entitled to the benefit of the prior-filed application(s), 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(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2812 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/784,932	04/10/2007	2812	1000	(06CR625/KE) 047141-0628	20	3

CONFIRMATION NO. 6188

CORRECTED FILING RECEIPT

26371
FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

Date Mailed: 06/19/2009

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)

Nathan P. Lower, North Liberty, IA;
Alan P. Boone, Swisher, IA;
Ross K. Wilcoxon, Cedar Rapids, IA;

Assignment For Published Patent Application

Rockwell Collins, Inc., Cedar Rapids, IA

Power of Attorney: The patent practitioners associated with Customer Number 26371

Domestic Priority data as claimed by applicant

This application is a CIP of 11/508,782 08/23/2006

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 11/784,932**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Integrated circuit tampering protection and reverse engineering prevention coatings and methods

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/784,969	04/10/2007	Keith E. Dionne	ALD 047.11	8458

7590 05/21/2009

Intarcia Therapeutics, Inc.
ATTN: Barbara G. McClung
24650 Industrial Blvd
Hayward, CA 94545

EXAMINER	
HOLLOWAY, IAN KNOBEL	

ART UNIT	PAPER NUMBER
3763	

MAIL DATE	DELIVERY MODE
05/21/2009	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

Repln. Ref: 05/21/2009 BPOWELL 0009494900
DA#:504212 Name/Number:11784969
FC: 9204 $500.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/785,120	04/16/2007	Yuichiro Kota	NIT-367-03	9995

7590 11/24/2009

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER	
D AGOSTA, STEPHEN M	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/24/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
11/25/2009 3039377165

Credit Card Refund Total: $500.00

Acct Exp...: XXXXXXXXXXXX1215

Adjustment date: 11/25/2009 NFARMER
04/17/2007 HMARZII 00000017 11785120
02 FC:1111 -500.00 OP

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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
4th Floor
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Soichi Otsuki	: DECISION ON REQUEST FOR
Patent Number	: 7663752	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/785,134	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **415** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, VA 22313-1450
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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED

JUL 12 2010

OFFICE OF PETITIONS

In re Application of :
Osamu Uto et al :
Application No. 11/785,170 : DECISION GRANTING PETITION
Filed: April 16, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 040894-7596 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 9, 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 3, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

SEP 20 2007

OFFICE OF PETITIONS

In re Patent of	:	
Shinji Mayazaki	:	
Application No. 11/785184	:	DECISION
Filing or 371(c) Date: 04/16/2007	:	ON PETITION
Attorney Docket Number:	:	
04329.4165	:	

This is a decision on the Response to "Petition Under 37 C.F.R. 1.153(e)(2) and Response to Notice to File Missing parts of Nonprovisional Application", filed July 13, 2007, requesting the application be accorded a filing date of April 16, 2007, including page 1 of the specification.

The petition is **granted**.

Background

The application was filed on April 16, 2007. On May 15, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing; however, page 1 of the specification appeared to have been omitted from the application.

Applicant files the present petition and avers that page 1 of the specification was included among 24 pages of specification filed with the application on April 16, 2007. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 24 pages of specification by this Office on April 16, 2007.

"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 to accord a filing date of April 16, 2007, including page 1 of the specification, is granted.

The copy of page 1 of the specification, filed with the instant petition, will be used for examination purposes.

The petition fee has been refunded to deposit account 06-0916 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 16, 2007, and an indication that page 1 of the specification was included among 24 pages of specification filed on April 16, 2007, using page 1 of the specification 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

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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3/17/10

Patent No. :7569885
Ser. No. :11/785219
Inventor(s) : YUKIYA HIRABAYASHI et al.
Issued :8/4/09
Title :ELECTRO-OPTICAL DEVICE AND ELECTRONIC APPARATUS
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

OLIFFF &BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VIRGINIA 22320-4850

HR

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.
11/785,220	04/16/2007	Naoki Okada	132194	3436

7590 07/23/2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
SLITERIS, JOSELYNN Y	
ART UNIT	PAPER NUMBER
3616	
MAIL DATE	DELIVERY MODE
07/23/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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.
11/785,222	04/16/2007	Shinichi Kawase	131477	3434

7590 06/22/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
LIU, SIMING	

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
06/22/2009	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.

Patent Publication Branch
Office of Data Management

Refund Ref:
06/24/2009 NFARMER 0000167720

CHECK Refund Total: $500.00

Adjustment date: 06/24/2009 NFARMER
04/17/2007 SZEWDIE1 00000030 11785222
02 FC:1111 -500.00 OP

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ARENT FOX, LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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AUG 29 2008

In re Application of	:	
Pietro Ferraro, et. al.	:	
Application No. 11/785,286	:	ON PETITION
Filed: April 17, 2007	:	
Attorney Docket No. 026073-00012	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on January 22, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice to File Corrected Application Papers mailed May 15, 2007. A Notice of Abandonment was mailed on 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 eight sheets of replacement drawings containing Figures 1(a) – 4(d); (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW SUITE 700
WASHINGTON DC 20036

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SEP 18 2009

OFFICE OF PETITIONS

In re Patent No. 7,400,492 :
Issue Date: July 15, 2008 :
Application No. 11/785,289 : ON PETITION
Filed: April 17, 2007 :
Attorney Docket No. 071224 :

This is a decision on the petition filed July 30, 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) 272-3208. 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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December 1, 2009

Patent No. : 7,616,483 B2
Ser. No. : 11/785,302
Inventor(s) : Mark Murin
Issued : November 10, 2009
Title : **MULTI-BIT-PER-CELL FLASH MEMORY DEVICE WITH AN EXTENDED SET OF COMMANDS**
Docket No. : **SAND-03054US0**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-**0483**

VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO CA 94105

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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO CA 94105

MAILED

MAR 12 2010

OFFICE OF PETITIONS

In re Patent No. 7,616,483 :
Issue Date : November 10, 2009 :
Application No. 11/785,302 : ON PETITION
Filed: April 17, 20007 :
Attorney Docket No. SAND-03054US0 :

This is a decision on the petition, filed December 17, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a statement that the assignment was submitted for recordation before issuance of the patent. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

---

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Thurman K. Page
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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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Mark Murin	: DECISION ON REQUEST FOR
Patent Number	: 7616483	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/785,302	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/17/2007	: 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

VIERRA MAGEN/SANDISK CORP.
575 MARKET STREET
SUITE 2500
SAN FRANCISCO CA 94105

In re Patent No. 7,616,483 :
Issue Date: November 10, 2009 :
Application No. 11/785,302 : ON PETITION
Filed: April 17, 2007 :
Attorney Docket No. SAND-03054US0 :

This is a decision on the petition filed April 5, 2010, 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 Diane Goodwyn at (571) 272-6735. 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.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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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.
11/785,304	04/17/2007	Ki-Jae Hur	8947-000241/US	2944

30593 7590 03/23/2010

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
TRAN, MINH LOAN	

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
03/23/2010	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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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, VA 20195

In re Application of:
HUR, Ki-Jae
Serial No.: 11/785,304
Filed: April 17, 2007
Attorney Docket No.: 8947-000241/US

DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

An *ex parte* Quayle action was mailed on July 22, 2009 informing applicant that the application was in condition for allowance except for the presence of claims 10-24 directed to an invention that was not elected with traverse in the reply filed on March 24, 2009. The applicant was requested to cancel the non-elected claims within two months from the date of the action. The applicant was also informed that a failure to take action during this period would be treated as an authorization to cancel the non-elected claims by Examiner's Amendment.

In the absence of a reply to the *ex parte* Quayle action, the application was improperly held abandoned and a Notice of Abandonment was mailed on February 17, 2010.

Although no petition or request to withdraw the holding of abandonment has been filed, the Notice of Abandonment of February 17, 2010 is hereby vacated, the holding of abandonment withdrawn and the application restored to its pending status.

The examiner is directed to cancel the non-elected claims and allow the application consistent with this decision and M.P.E.P. 821.01.

Any inquiry regarding this decision should be directed to Sue Purvis, Supervisory Patent Examiner, at (571) 272-1236.

Gladys Corcoran, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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SEP 15 2008

In re Application of	:	
Henry Chen, et al.	:	
Application No. 11/785,319	:	DECISION GRANTING PETITION
Filed: April 17, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 069032-0111	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 15, 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 20, 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 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Sergey Shestak	: DECISION ON REQUEST FOR
Patent Number	: 7626644	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/785,348	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **222** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

MAIL

AUG 02 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Taro IAMGAWA et al	:	DECISION ON REQUEST TO
Application No. 11/785367	:	PARTICIPATE IN PATENT
Filed: April 17, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 2007_0442A	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 12, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

John Peng
TC 2600
Quality Assurance Specialist

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BERENATO WHITE & STAVISH
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

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AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Mark Allen, David Allen	:	DECISION ACCORDING STATUS
Application No. 11/785,434	:	UNDER 37 CFR 1.47(a)
Filed: April 17, 2007	:	
Attorney Docket No. 5211.060	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 10, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that inventor Mark Allen has refused to sign the oath or declaration. Specifically, petitioner has provided a copy of Allen's written refusal to sign.

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 on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARK ALLEN
484 SUMMER VIEW CIRCLE
ENCINITAS CA 92024

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AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of
Mark Allen, David Allen
Application No. 11/785,434
Filed: April 17, 2007
Title: JACKETED LED ASSEMBLIES AND LIGHT STRINGS CONTAINING SAME

LETTER

Dear Mr. Allen:

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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DEC 2 4 2008

In re Application of
David Allen, et al.
Application No. 11/785,434
Filed: April 17, 2007
Attorney Docket No. 5211.060

ON PETITION

This is a decision in response to the petition, filed September 26, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 27, 2007, which set a shortened statutory period for reply of three (3) months. It is noted that a 3-month extension of time under the provisions of 37 CFR 1.136(a) was obtained; however, no response was filed in the present application. Accordingly, the application became abandoned on May 28, 2008. A Notice of Abandonment was mailed on June 16, 2008. In response, on September 26, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2875 for consideration of the amendment filed September 26, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Date Mailed : October 31, 2008
Serial No. :11/785443
Patent No. :7,380,716 B2
Patent Issued :June 3, 2008
Title : IMAGE FORMING APPARATUS, OPERATION HISTORY STORAGE METHOD AND CONTROL METHOD, AND STORAGE MEDIUM

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.

The errors complained of in your request cannot be corrected since none of them can be found in the columns and line number stated in the request.

In view of the foregoing, your request is hereby denied.

Further consideration will be given your requests upon receipt of another request with appropriate column and line numbers.

Magdalene Talley
Decisions and Certificate
Of Correction Branch
(703)308-9390 ext. 116
Fax (571) 270-9942

Frank Sears
Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112-3800

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

25 MAR 2009

COMMISSIONER FOR PATENTS
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

In re Application of	:	
HUSS	:	
Application No.: 11/785,491	:	DECISION ON PETITION
Filing Date: April 18, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 32164-242655	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 12, 2008, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to the prior-filed international application set forth in the application data sheet (ADS) filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a late claim for 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 37 CFR 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above. In particular, the ADS lacks the proper signature required under 37 CFR 1.33(b) and 10.18. Applicant should use the most recent version of Form PTO/SB/14 which contains an appropriate signature block. The form can be obtained at: http://www.uspto.gov/ebc/portal/efs/sb0014_fill.pdf .

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either a properly signed ADS or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required. Applicant is advised that since the issue fee has already been paid in the present application, entry of an ADS or amendment at this time is not permitted. See 37 CFR 1.312 and MPEP 201.11, p. 200-67, bottom right column. Accordingly, applicant may wish to consider filing an appropriate petition under 37 CFR 1.313(c)(2) along with a request for continued examination under 37 CFR 1.114.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0459
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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APR 15 2009

OFFICE OF PETITIONS

In re Application of :
Rolf HUSS :
Application No. 11/785,491 : DECISION GRANTING PETITION
Filed: April 18, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **32164-242655** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 15, 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 November 24, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the amendment previously filed September 12, 2008.

/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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WASHINGTON, DC 20043-9998

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of :
HUSS :
Application No.: 11/785,491 : DECISION ON PETITION
Filing Date: April 18, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 32164-242655 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 15, 2009, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to the prior-filed international application set forth in the application data sheet (ADS) filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for 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 37 CFR 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included 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 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 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 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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 Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3765 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.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: corrected filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(d) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/785,491	04/18/2007	3765	1880	32164-242655	29	3

CONFIRMATION NO. 3918

CORRECTED FILING RECEIPT

26694
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Date Mailed: 05/04/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Rolf Huss, Lossburg, GERMANY;

Assignment For Published Patent Application

Memminger-Iro GmbH, Dornstetten, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 26694

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP2005/010754 10/06/2005

Foreign Applications

GERMANY 10 2004 051 520.4 10/21/2004

If Required, Foreign Filing License Granted: 05/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/785,491**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

YARN DELIVERING APPARATUS HAVING A YARN RETURN OPERATING MODE

Preliminary Class

066

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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OCT 16 2007

OFFICE OF PETITIONS

In re Application of Nacamulli et al. :
Reissue Application No. 11/785,511 :
Reissue Filing Date: April 18, 2007 :
Reissue of Patent No. 5,527,710 :
Original Issue Date: June 18, 1996 :
Attorney Docket No. 09481.0004-02000 :

Letter Notifying Applicant the Application Has Been Accorded Status Under 37 CFR 1.47(a)

This is in response to the papers filed June 20, 2007.

The instant application is a continuation of Application No. 09/099,048, which was accorded status under 37 CFR 1.47. When a parent application has been accorded status under 37 CFR 1.47, an applicant may submit a copy of the declaration from the parent application and a copy of the parent application's Rule 47 decision letter instead of submitting a new petition under 37 CFR 1.47.[1]

The instant application contains copies of the declaration and Rule 47 decision from the prior application. Therefore, The declaration is accepted and the signing inventors may prosecute the application on behalf of the non-signing inventor.

The application is hereby accorded Rule 1.47(a) status.

The Office of Initial Examination will be informed of the instant decision and will 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
Petitions Attorney
Office of Petitions

[1] 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 . . . 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."

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WASHINGTON DC 20005

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FEB 0 9 2009

OFFICE OF PETITIONS

In re Application of :
Yokoyama, et al. :
Application No. 11/785,564 :
Filed: April 18, 2007 :
Attorney Docket No. 1602.1125CIP :
For: SCREEN GENERATION PROGRAM, SCREEN GENERATION APPARATUS, AND SCREEN GENERATION METHOD

ON PETITION

This is a decision on the petition, filed December 8, 2008, requesting that the application be accorded an April 18, 2007 filing date with the copy of page 1, first re-submitted on May 23, 2007, as part of the originally filed application papers.
The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on April 18, 2007. On May 15, 2007, the Office of Initial Patent Examination mailed a Notice informing petitioners that page 1 of the specification appeared to have been omitted. The subsequently mailed notices regarding the omission of page 1 appear to have mailed in error.

In response to the May 15, 2007 Notice, petitioners timely filed the May 23, 2007 correspondence. The May 23, 2007 correspondence does **not** contain a formal filing date petition, as was required by the May 15, 2007 Notice. However, the transmittal letter entitled, "RESPONSE TO NOTICE OF OMITTED ITEMS," states the correspondence enclosed includes two postcard receipts showing that all pages of the specification were filed on April 18, 2007.

Now applicants formally petition that page 1 be accorded a filing date of April 18, 2007 on the basis that the entire specification, including allegedly missing page 1, was received in the Patent and Trademark Office (PTO) on April 18, 2007.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing April 18, 2007 as the date of receipt. In addition, petitioners provided another copy of the itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing April 18, 2007 as the date of

receipt. The postcard lists that the filing included, *inter alia*, 44 pages of specification, claims, and abstract. A review of the application file reveals that there are 43 pages present. Page 1 is missing.

The return postcard constitutes *prima facie* evidence that 44 pages of specification, claims, and abstract including missing page 1, were filed on April 18, 2007. MPEP 503. Accordingly, the request is granted.

Regarding fees, it appears that petitioners were charged two $400.00 petition fees that have been refunded. No petition fee is required in connection with this matter.

The application is being returned to Office of Patent Application Processing for further pre—examination processing with a filing date of **April 18, 2007**, using the copy of page 1 supplied with the correspondence filed on May 23, 2007.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Yokoyama, et al. :
Application No. 11/785,564 : DECISION GRANTING PETITION
Filed: April 18, 2007 :
Attorney Docket No. 1602.1125CIP :

This is a decision on the petition filed December 8, 2008, requesting that the above-identified application be accorded a filing date of April 18, 2007, with page 1 of the specification, as part of the original disclosure.

On April 18, 2007, the above-identified application was filed. On May 15, 2007, 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 April 18, 2007, however, page 1 of the specification, appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on March 23, 2007, applicants filed a response including a copy of an Office date-stamped postcard and page 1 of the specification. The Office of Patent Application Processing changed the filing date for the application to March 23, 2007, although no new oath or declaration was filed. On December 2, 2008, another Notice of Omitted Application Papers was filed again requiring page 1 of the specification. The instant petition was filed responsively with a copy of an Office date-stamped postcard showing that, among other items, 44 pages of the specification, claims, and abstract were received on April 18, 2007.

Upon review of the record, page 1 of the specification has not been located among the application papers. However, the evidence is convincing that the application papers deposited April 18, 2007, included page 1 of the specification which was subsequently misplaced by the Office. The application, including page 1 of the specification was complete on filing and entitled to a filing date of April 18, 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 April 18, 2007, including page 1 of the specification. The Office of Patent Application Processing will issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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CRYSTAL CITY STATION
ARLINGTON VA 22215

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JUL 0 2 2007

OFFICE OF PETITIONS

In re Application of :
CARBONARO, Anthony M. :
Application No. 11/785,594 : DECISION ON PETITION
Filed: April 18, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **29205.00** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 18, 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 Anthony M. Carbonaro, 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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JUN 24 2008

OFFICE OF PETITIONS

GOWLING, LAFLEUR HENDERSON LLP
ONE MAIN STREET WEST
HAMILTON ON L8P 4Z5 CA CANADA

In re Application of :
Strelbisky et al. : DECISION ON PETITION
Application No. 11/785,597 :
Deposited: April 19, 2007 :
Atty Docket No. H311239USCOM :

This is in response to the "PETITION TO GRANT FILING DATE", filed on July 9, 2007 requesting that the above-identified application be accorded a filing date of April 19 2007.

The petition is **dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Application papers in the above-identified application were deposited on April 19, 2007. However, on May 16, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicants the application had not been accorded a filing date because the application was deposited without drawings pursuant to 35 USC 113.

In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78 to a prior filed and co-pending provisional application (60/795,650) in which the inadvertently omitted drawing figure 1 is found.

On September 21, 2004, § 1.57 was added to read, in pertinent part 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 1.78 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 … § 1.78 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;

(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).

It is noted that the application as filed included a claim under 1.78 for the benefit of prior-filed application No. 60/795,650. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted portion of the specification.

However, a comparison of the drawing submitted on petition and the drawing contained in application no. 60/795,650, shows that the drawings are not the same. Petitioner is required to submit a copy of the drawing contained in the prior application no. 60/795,650.

It should further be noted, each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Accordingly the petition is **DISMISSED**.

On renewed petition, petitioner must submit a properly labeled copy of the drawing contained in prior filed application no.60/795,650 pursuant to 37 CFR 1.57 and 1.121(d).

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 specific to this decision should be directed to Petitions Attorney Charlema R. Grant at 571.272.3215.

Anthony Knight for
Charles A. Pearson
Director
Office of Petitions

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VALENTINE A COTTRILL
SUSAN TANDAN
50 QUEEN STREET NORTH, STE. 1020
P.O. BOX 2248
KITCHENER ON N2H6M-2 CANADA

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DEC 09 2008

In re Application of :
Strelbisky et al. : DECISION ON PETITION
Application No. 11/785,597 :
Deposited: April 19, 2007 :
Atty Docket No. H311239USCOM :

This is in response to the " RENEWED PETITION UNDER 37 C.F.R. §1.57", filed on July 11, 2008 requesting that the above-identified application be accorded a filing date of April 19 2007.

The petition is **Granted**.

Application papers in the above-identified application were deposited on April 19, 2007. However, on May 16, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicants the application had not been accorded a filing date because the application was deposited without drawings pursuant to 35 USC 113. A petition under 37 CFR 1.57 was dismissed on June 24, 2008.

In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78 to a prior filed and co-pending provisional application (60/795,650) in which the inadvertently omitted drawing figure 1 is found.

On September 21, 2004, § 1.57 was added to read, in pertinent part 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 1.78 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 … § 1.78 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;

(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).

It is noted that the application as filed included a claim under 1.78 for the benefit of prior-filed application No. 60/795,650. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted drawing.

The instant petition includes a copy of the prior-filed application, and an identification of where the inadvertently omitted portions of the specification may be found in the prior-filed application, along with the necessary petition fee.

In view thereof, the petition is **GRANTED** to the extent indicated above.

The application is being forwarded to the Office of Patent Application Processing for **according of a filing date of April**

19, 2007, using the application papers received in the Office on that date and the drawing submitted on renewed petition filed July 11, 2008, and for indication in the records of the Office that the application contains one (1) sheet of drawings.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Charlema R. Grant at 571.272.3215.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Makoto Yazaki	: DECISION ON REQUEST FOR
Patent Number	: 7621791	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/785,632	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **13** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Paper No.

BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

COPY MAILED

JUL 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Nakano et al.	:	DECISION ON PETITION
Application No. 11/785,658	:	
Filed: April 19, 2007	:	
Atty Docket No. 7055022001	:	

This is in response to the PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION filed June 12, 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 April 19, 2007, with figure 36 considered part of the original application disclosure.

Application papers in the above-identified application were deposited on April 19, 2007. However, on May 17, 2007, the Office of Initial Patent Examination mailed applicants a NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had been accorded a filing date; however, figure 36 described in the specification appeared to have been omitted from the application.

In response, applicants filed the instant petition (and petition fee). Applicants submit that Figure 36 was filed along with the nonprovisional application papers on April 19, 2007. In support thereof, applicants submit *inter alia* a copy of their return postcard from the USPTO, acknowledging receipt of 31 sheets of drawings. The petition also includes a copy of the sheet 31/31 (containing figure 36) as originally filed.

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 19, 2007; 2) it specifically identifies the items being filed, including "Drawings 31 sheets" 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 31 sheets of drawings were filed on April 19, 2007.

The application papers already considered received in the Office on April 19, 2007, were reviewed along with drawing sheet 31/31 containing figure 36 submitted on petition. These papers together constitute the items described on the postcard receipt as "Drawings 31 sheets." It is concluded that petitioner has shown that Figure 36 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. 50-4047, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- re-processing with a filing date of April 19, 2007 using the application papers received in the Office and presently accorded that date; and figure 36 re-supplied on petition filed June 12, 2007, and

- for indication in Office records, as appropriate, that 31 sheets of drawings (including figure 36) 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

JUN 12 2007
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
	:	Atty Docket: **7055022001**
Takashi NAKANO *et al*	:	
	:	
Application No. **11/785,658**	:	Art Unit: **2874**
	:	
Filed: **April 19, 2007**		Examiner: **To be assigned**

For: CONTROL SYSTEM OF A MULTICHANNEL OPTICAL SWITCH

PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION

COMMISSIONER FOR PATENTS
Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Petition is in response to the Notice of Omitted Items in a Nonprovisional Application that was mailed from the U.S. Patent and Trademark Office on May 17, 2007 in the above-referenced matter (Part-2 copy enclosed). Applicant respectfully submits that Figure 36 were filed along with the nonprovisional application papers on April 19, 2007. Applicants provide as proof of submission:

1. A copy of the File Stamped-post card that records the filing date of April 19, 2007 listing 31 sheets of drawings and a copy of USPTO date-stamped Post Card;

2. A copy of the Utility Transmittal sheet filed April 19, 2007 listing 31 sheets of drawings; and

3. Copy of Figure 36

These documents show that applicant filed 31 sheets of drawings. The last sheet marked 31/31 Figure 36 of the originally filed 31 sheets included Figure 36.

Adjustment date: 07/31/2007 CKHLOK
DEMMANU1 00000072 504047 11785658
400.00 CR

06/13/2007 DEMMANU1 00000072 504047 11785658
01 FC:1462 400.00 DA

The Commissioner is hereby authorized to charge the $400.00 fee under 37 CFR 1.17(f), outlined in the Notice of May 17, 2007. However, Applicant understands that the petition fee will be refunded once it is determined that the items were received by the USPTO on the date that the application was filed.

Please charge and any additional fees incurred for this petition or credits to Deposit Account No. 50-4047, Order No. 7055022001.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Michael A. Schwartz 40,161
for

Dated: June 12, 2007

By: _____

Edward A. Pennington, Reg. No. 32,588
2020 K Street, NW
Washington, D.C. 20006-1806
(202) 373.6000 Telephone
(202) 373.6440 Facsimile

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	08/01/07	2 Serial/Patent #	11/785,658

	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	06/12/07	$ 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 5 0 -- 4 0 4 7

10 REASON:

- [ ] Overpayment
- [ ] Duplicate Payment
- [X] No Fee Due (Explanation):

Given basis for granting petition, fee is refundable.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Nancy Johnson TITLE: Sr. Petitions Attorney

SIGNATURE: Nancy Johnson PHONE: 571-272-3219

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [signature] DATE: 7/31/07

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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BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of :
Craig Elliott Walker, et al. :
Application No. 11/785,659 : ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. 7053622001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 24, 2010. The Notice of Abandonment was mailed July 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 a continuing application under 37 CFR 1.53(b); (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application no. 12/822,099.

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 June 30, 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 Terri Johnson at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

NOV 1 9 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 19 2009

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

19 Nov 2009

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of:	Takada *et al.*	
Application No.:	11785683	
Filed:	19 April 2007	DECISION ON PETITION TO ACCEPT COLOR DRAWINGS
Attorney Docket No.:	2870-0378POS1	
For:	Method for detecting gastric cancer by detecting vldlr gene	

This is in response to applicant's petition filed 23 October 2009 under 37 C.F.R. 1.84 to use color drawings in the application. Applicant has (A) paid the appropriate petition fee; (B) provided three (3) copies of formal color drawings; (C) the black and white photocopy of the drawings in the image file wrapper are sufficient for examination; but (D) the specification does not contain a statement regarding incorporation of color drawings under 37 C.F.R. 1.84(a)(2)(iv). Applicant should provide appropriate amendatory language as set forth in 37 C.F.R. 1.84(a)(2)(iv)

Applicant's petition is DENIED.

Questions with regard to this letter should be directed to the undersigned.

/ Christopher S. F. Low /

Christopher S. F. Low
Supervisory Patent Examiner
TC 1600, Art Unit 163X (571) 272-0951
Christopher.low@uspto.gov

19 Nov 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/785,683	04/19/2007	Hisashi Takada	2870-0378PUS1	5398

2292 7590 01/13/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
DUNSTON, JENNIFER ANN	
ART UNIT	PAPER NUMBER
1636	

NOTIFICATION DATE	DELIVERY MODE
01/13/2010	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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

08 Jan 2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: Takada *et al.*
Application No.: 11785683
Filed: 19 April 2007

Attorney Docket No.: 2870-0378POS1
For: Method for detecting gastric cancer by detecting vldlr gene

DECISION ON PETITION TO ACCEPT COLOR DRAWINGS

This is in response to applicant's renewed petition filed 04 December 2009 under 37 C.F.R. 1.84 to use color drawings in the application. Applicant has (A) paid the appropriate petition fee; (B) provided three (3) copies of formal color drawings; (C) the black and white photocopy of the drawings in the image file wrapper are sufficient for examination; and (D) the specification mpw contains a statement regarding incorporation of color drawings under 37 C.F.R. 1.84(a)(2)(iv). Applicant should provide appropriate amendatory language as set forth in 37 C.F.R. 1.84(a)(2)(iv)

Applicant's petition is GRANTED.

Questions with regard to this letter should be directed to the undersigned.

/ Christopher S. F. Low /

Christopher S. F. Low
Supervisory Patent Examiner
TC 1600, Art Unit 163X (571) 272-0951
Christopher.low@uspto.gov

19 Nov 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIL

DEC 09 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of
MIZUTANI, KENJI, et al.
Application No. 11/785,700
Filed: April 19, 2007
Attorney Docket No. 2007_0589A

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 October 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

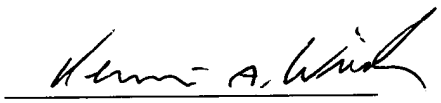
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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SHABINA SHUKOOR
1950 LUDGATE CRESC
GLOUCESTER ON K1J 8L2
CANADA

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SEP 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Shabina Shukoor :
Application Number: 11/785736 : ON PETITION
Filing Date: 04/19/2007 :
Attorney Docket Number: 28304U :

This is a decision on the petition filed on February 24, 2009, under 37 CFR 1.137(a),[1] 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(a)" or as discussed below "Renewed Petition under 37 CFR 1.137(b)."

The application became abandoned on July 12, 2007, for failure to timely submit a proper reply to the Notice to File Missing Parts

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[1] A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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(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(c)).

of Nonprovisional Application mailed on May 11, 2007, which set a two (2) month shortened period for reply. On October 12, 2007, a proposed reply was filed along with a three (3) month extension of time. On October 30, 2007, however, the Office mailed a Notice of Incomplete Reply (Nonprovisional) stating that the reply was incomplete because $30.00 in additional fee(s) were required. The period for reply remained as set forth in the Notice mailed on May 11, 2007. On January 4, 2008, petitioner submitted the fee for a five month extension of time as well as the balance due for the filing fee. However, as this was filed after the extendable period for reply, the application became abandoned. Notice of Abandonment was mailed on January 15, 2009.

Petitioner appears to assert that the delay was caused by (a) lack of communication between petitioner and her (former) counsel and an alleged failure of counsel to pay the application filing fees; and (b) "verbal misinformation" from the USPTO to the applicant.

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 be "unavoidable".[2] 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.[3]

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[2] 35 U.S.C. § 133.

[3] 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,

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] 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, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

At the outset, it is noted that although the Notice of Incomplete Reply mailed on October 30, 2007 states that an additional $30.00 was required, the showing of record is that the reply filed on October 12, 2007 was not only incomplete, but was also untimely. In this regard, the reply received on October 12, 2007 required a four (4) month extension of time, rather than a three (3) month extension of time, to be a timely reply to the Notice mailed on May 11, 2007. The reply would have had to have been filed in the Office not later than **October 11, 2007** to be timely with a three month extension of time.

While it appears that petitioner intended to timely file the reply: the papers are marked "10/11/07 - Date of Fedex," petitioner is reminded that 37 CFR 1.6 states that papers are considered filed in the USPTO on the date of receipt unless deposited in the U.S. Postal Service "Express Mail Post Office to Addressee" pursuant to 37 CFR 1.10, or filed by first class mail with the USPS pursuant to 37 CFR 1.8. The papers filed on October 12, 2007, however, appear to have been sent to the Office using Federal Express. There is no provision to consider papers transmitted to the USPTO by Federal Express, or another other carrier other than the U.S. Postal Service, filed on the date of deposit with the carrier.

Petitioner's failure to file the reply at issue in compliance with 37 CFR 1.8 or 1.10 precludes a finding that the delay was unavoidable. A "reasonably prudent person" would file papers or fees in compliance with 37 CFR 1.8 or 1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidenc of such filing. A delay caused by applicant's failure to file papers or

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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).

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

fees in compliance with 37 CFR 1.8 and 1.10 does not constitute "unavoidable" delay.[5]

With regard to petitioner's contention that her former counsel, Gary M. Nath, failed to communicate with her and to timely submit the required fees to the Office, petitioner may wish to send a letter to Nath, informing him that the Office is investigating the cause of the delay in responding to the Notice to File Missing Parts of Nonprovisional Application mailed on May 11, 2007, asking him to respond in writing within one (1) month of the receipt of said letter with an explanation as to why a response to the Notice mailed on May 11, 2007, was not timely filed. A copy of this decision should be included. Any response received from Nath should be included with a renewed petition. If no response is received, petitioner should so state in any renewed petition.

In any event, while petitioner allegedly chose to rely upon attorney Nath, such reliance *per se* does not provide petitioner with a showing of unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 USC 133.[6] Rather, such reliance merely shifts the focus of the inquiry from petitioner to whether Nath acted reasonably and prudently.[7] Nevertheless, petitioner is bound by any errors that may have been committed by Nath.[8]

The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions.[9] Specifically, petitioner's delay caused by the mistakes or negligence of his or her voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133.[10] Furthermore, the U.S. Patent and Trademark Office is not the proper forum for resolving disputes between applicants and their representatives.[11]

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[5] See Krahn v. Commissioner, 15 USPQ2d 1823, 1825 (E.D. Va. 1990); see also MPEP 711.03(c)(III)(C)(2).

[6] See California Med. Prod. v. Technol Med. Prod., 921 F. Supp. 1219, 1259 (D. Del. 1995).

[7] Id.

[8] California, *supra*.

[9] Link v. Wabash, 370 U.S. 626, 633-34 (1962).

[10] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N. D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

[11] See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

With regard to petitioner's allegation that USPTO employees did not promptly and or properly inform petitioner as to when the reply was due, the showing of record, does not support a finding of unavoidable delay. While the Office regrets any inconvenience to petitioner, petitioner is not entitled to rely upon oral advice from the Office. A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[12] A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.[13]

In summary, the showing of record is that the abandonment resulted from a mistake on the part of petitioner's counsel and petitioner in failing to timely file a proper reply rather than as a result of unavoidable delay. As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

A delay resulting from a lack of knowledge or improper application of the patent statute, rules of practice, or the MPEP does not constitute an "unavoidable" delay.[14] As the showing of record does not rise to the level of unavoidable delay, the petition will be dismissed.

In summary, while the Office is mindful of petitioner's predicament, the showing of record is that rather than unavoidable delay, petitioner failed to take adequate precautions to ensure that a complete response to the Notice to File Missing Parts mailed on May 11, 2007, was timely filed. As petitioner

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[12] See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v, Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[13] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994)(while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

[14] See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

has not shown that she exercised the standard of care observed by a reasonable person in the conduct of his or her most important business, the petition will be dismissed.[15]

As the showing of record is insufficient to satisfy the requirements of a grantable petition under 37 CFR 1.137(a), the petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to

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[15] See note 7, supra.

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).

Should petitioners decide to file a petition under 37 CFR 1.137(b), the additional petition fee due is currently $810.00 for a small entity.[16]

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

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 concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64

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[16] As Office fees are revised from time-to-time, petitioner is encouraged to check the USPTO website at www.uspto.gov for current fee amounts prior to submission of any petition. Alternatively, petitioner may contact the Office by phone at 1-800-PTO-9199 for fee information.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-10

Paper No.

SHABINA SHUKOOR
5053 RUE SAINT-DENIS
MONTREAL QC H2J 2L9
CANADA

MAILED

APR 07 2010

OFFICE OF PETITIONS

In re Application of :
Shabina Shukoor :
Application Number: 11/785736 : DECISION ON PETITION
Filing Date: 04/19/2007 :
Attorney Docket Number: 28304U :
:

This is a decision on the petition filed on January 11, 2010, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on July 12, 2007, for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application mailed on May 11, 2007, which set a

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

two (2)-month shortened period for reply. On October 12, 2007, a proposed reply was filed along with a three (3) month extension of time. On October 30, 2007, however, the Office mailed a Notice of Incomplete Reply (Nonprovisional) stating that the reply was incomplete because $30.00 in additional fee(s) were required. The period for reply remained as set forth in the Notice mailed on May 11, 2007. On January 4, 2008, petitioner submitted the fee for a five (5) month extension of time as well as the balance due for the filing fee. However, as this was filed after the extendable period for reply had expired, the application had become abandoned. Notice of Abandonment was mailed on January 15, 2009. On February 24, 2009, a petition under 37 CFR 1.137(a) was filed. On September 3, 2009, the petition was dismissed.

On January 11, 2010, the subject petition under 37 CFR 1.137(b) was filed.

As the required fee has been paid, the petition is granted.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[2]

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

/D Wood/
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[2] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of :
TOMIYAMA et al. :
Application No. 11/785,738 : DECISION ON PETITION
Filed: 04/19/2007 :
Attorney Docket No. ARC-4105-106 :

This is a decision on the petition filed May 17, 2007, requesting that the application be accorded a filing date of April 19, 2007, with Figures 10A and 10B as part of the original disclosure.

On April 19, 2007, applicants filed the above-identified application. However, on May 15, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of April 19, 2007, and advising applicants that Figures 10A and 10B appeared to have been omitted.

In response, on May 17, 2007, applicants submitted the present petition and 13 sheet(s) of drawings (including Figures 10A and 10B). Additionally, applicants submitted a copy of applicants' returned, date-stamped postcard receipt acknowledging receipt of 13 sheet(s) of drawings in the USPTO on April 19, 2007.

Upon review of the record, Figures 10A and 10B, deposited on April 19, 2007, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 19, 2007, included Figures 10A and 10B, which were subsequently misplaced in the USPTO. Therefore, the application, including Figures 10A and 10B, was complete on filing and will be granted a filing date of April 19, 2007.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of April 19, 2007,** using the 12 sheets of drawings submitted on that date, and Figures 10A and 10B submitted with the petition on May 17, 2007, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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SEP 30 2009

OFFICE OF PETITIONS

MILLEN, WHITE, ZELANO & BRANIGAN, PC
2200 CLARENDON BLVD
SUITE 1400
ARLINGTON VA 22201

In re Application of :
Dunn, et al. :
Application No. 11/785,741 : ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. MEMORY-0069

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed September 9, 2009.

The petition is **granted**.

The above-identified application became abandoned for failure to reply to the election/restriction requirement mailed December 16, 2008, which set a shortened period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on January 17, 2009.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner

> where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

It is noted that the restriction/election requirement was returned to the USPTO on December 19, 2008. Notwithstanding, petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center GAU 1625 for further processing including treatment of the election filed September 9, 2009.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BERENATO & WHITE, LLC
6550 ROCK SPRING DRIVE, SUITE 240
BETHESDA, MD 20817

MAILED

MAR 11 2010

OFFICE OF PETITIONS

In re Application of :
Jason M. WALSH, et *al.* :
Application No. 11/785,753 : DECISION GRANTING PETITION
Filed: April 19, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **16240.M367** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 10, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 4, 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 1794 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

ATTN: MAQUITA WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
SUITE 600, MAILBOX #119
1800 DIAGONAL ROAD
ALEXANDRIA VA 22314

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OCT 20 2008

OFFICE OF PETITIONS

In re Application of :

LI, Yi et al. :
Application No. 11/785,774 : DECISION ON PETITION
Filed: April 20, 2007 : TO WITHDRAW
Attorney Docket No. **IP-379A** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert Dewitty, the sole attorney of record. Robert Dewitty has been withdrawn as attorney or agent of record.

All future correspondence will be directed to the first named inventor Yi Li 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: **YI LI**
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON
HONG KONG
CHINA

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of :
Ito et al. :
Application No. 11/785,840 : DECISION ON PETITION
Filed: 04/20/2007 :
Attorney Docket No. Q101312 :

This is a decision on the petition filed May 21, 2007, requesting that the application be accorded a filing date of April 20, 2007, with page 3 of the specification (description and claims) as part of the original disclosure.

On April 20, 2007, applicants filed the above-identified application. On May 14, 2007, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of April 20, 2007, and advising applicants that page 3 of the specification (description and claims) appeared to have been omitted.

In response, on May 21, 2007, applicants submitted the present petition, a copy of specification (24 pages of description and 7 pages of claim) and a copy of the abstract as originally filed, as well as an authorization to charge the petition fee. Additionally, applicants submitted a copy of applicants' return, date-stamped postcard receipt acknowledging receipt of "Pgs. Spec./Abst: 31/1" in the USPTO on April 20, 2007.

Upon a review of the record, page 3 of the specification, deposited on April 20, 2007, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 20, 2007, included page 3, which was subsequently misplaced in the USPTO. Therefore, the application, including page 3, was complete on filing and may be granted a filing date of April 20, 2007.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary. The $400.00 petition fee will be refunded to the Deposit Account.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of April 20, 2007,** using the pages of specification filed on that date, and page 3 of the specification submitted with the petition on May 21, 2007, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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.
11/785,874	04/20/2007	Yuzo Otsuru	132247	5498

7590 09/10/2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
VU, NGOC YEN T	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
09/10/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
09/10/2008 NFARMER 0000164312

CHECK Refund Total: $500.00

Adjustment date: 09/10/2008 NFARMER
04/23/2007 HMARZI1 00000090 11785874
02 FC:1111 -500.00 OP

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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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/785,878	04/20/2007	Sophie Bodelin	132279	5492

7590 06/04/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
STEITZ, RACHEL RUNNING

ART UNIT	PAPER NUMBER
3732	

MAIL DATE	DELIVERY MODE
06/04/2009	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

Repln. Ref: 06/05/2009 BPOWELL 0018361300
DAB:150461 Name/Number:11785878
FC: 9204 $500.00 CR

Adjustment date: 06/05/2009 BPOWELL
04/23/2007 AMARZ11 00000086 11785878
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 06/05/2009 BPOWELL 0018361300
DA#:150461 Name/Number:11785078
FC: 9204 $500.00 CR

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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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SEP 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
David Bovitz	:	
Application No. 11/785886	:	
Filing or 371(c) Date: 04/20/2007	:	
Attorney Docket Number:	:	DECISION
M4065.0543/P543-A	:	ON PETITION

This is a decision on the "Response to Notice of Incomplete Provisional Application", filed June 20, 2007, requesting the above-identified application be accorded a filing date of April 20, 2007. The correspondence is properly treated as a petition under 37 CFR 1.53.

The petition is granted.

The application was filed on April 20, 2007. On May 17, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that five (5) sheets of drawings were filed in the application on April 20, 2007. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledging receipt of, *inter alia*, five (5) sheets of drawings by this Office on April 20, 2007.

"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.

In view of the above, the Notice was mailed in error and is hereby withdrawn.

No petition fee has been charged and none was due.

The copy of five (5) sheets of drawings filed with the present petition, will be used for examination purposes.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of April 20, 2007, and an indication that five (5) sheets of drawings were present on April 20, 2007, using the five (5) sheets of drawings, filed with the present petition on June 20, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned at (571-272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ELIAS C. BORGES
SUITE 406
555 BURNHAMTHORPE ROAD
TORONTO, ON M9C 2Y3
CANADA

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MAY 09 2008

In re Application of	:	
Rajkhowa et al.	:	
Application No. 11/785,935	:	DECISION ON PETITION
Filed: April 23, 2007	:	
Attorney Docket No. 02-2589	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 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 the Oath/Declaration, Replacement Drawings and late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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REISING ETHINGTON BARNES KISSELLE, P.C.
P.O. BOX 4390
TROY, MI 48099-4390

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OFFICE OF PETITIONS

In re Application of :
Jose U. Coelho et al :
Application No. 11/785,950 : ON PETITION
Filed: April 23, 2007 :
Attorney Docket No. 7725.3001.003 :

This is a decision on the petition filed July 25, 2008 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed March 26, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 27, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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OFFICE OF PETITIONS

In re Application of :

GAO, Dian Kun :
Application No. 11/785,968 : DECISION ON PETITION
Filed: April 23, 2007 : TO WITHDRAW
Attorney Docket No. **16700-1US-1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 25, 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, termination of business relationship between applicant and aforesaid patent agents, 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: **ANDRE PARENT**
TERRALLUM INDUSTRIES, INC.
P.O. BOX 118
BOUCHERVILLE, QUEBEC J4B 6Y4

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OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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OFFICE OF PETITIONS

In re Application of :

GAO, Dian K. :
Application No. 11/785,968 : DECISION ON PETITION
Filed: April 23, 2007 : TO WITHDRAW
Attorney Docket No. **16700-1US-1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 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 Patrice Preville 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.

There is an outstanding Office action mailed October 15, 2007 that requires a reply from 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: **DIAN KUN**
34 HAERBIN ROAD
DALIAN E.T.D.Z., LIAO NING
CHINA

cc: **TERRALLUM INDUSTRIES INC.**
C/O MR. ANDRE PARENT
P.O. BOX 118
75 BOUL DE MORTAGNE

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of :
Steven A. PORCELLI :
Application No. 11/785,988 : ON PETITION
Filed: April 23, 2007 :
Attorney Docket No. 13460/1012 :

This is a decision on the petition under 37 CFR 1.182, filed July 10, 2007, requesting expedited consideration of the petitions filed under 37 CFR 1.59(b) and 37 CFR 1.183 filed July 10, 2007, and supplemented July 11, 2007, and is a decision on the petitions filed July 10, 2007, and supplemented July 11, 2007, under 37 CFR 1.183 to suspend the requirements of 37 CFR 1.59(a)(2), and under 37 CFR 1.59(b) to expunge information submitted under MPEP 724.05(I).

The petition under 37 CFR 1.182 is **GRANTED.**

The petition under 37 CFR 1.183 is **GRANTED.**

Under the extraordinary circumstances of this application, as set forth in the instant petition, justice would be served by suspending the requirements of 37 CFR 1.59(a)(2).

The petition under 37 CFR 1.59(a) is **GRANTED**.

Under the circumstances of this case, and in view of the petition-requesting waiver of the rules granted by this decision, the USPTO will remove from the official file the confidential letter of counsel to a second party who is unrelated to the inventor or the assignee of the application and relate to a matter that is unrelated to the instant application. Specifically, the original disclosure submitted April 23, 2007 will be removed from the file and replaced by the complete copy of the original specification without the expunged confidential letter.

Telephone inquiries regarding this decision should be directed to David Bucci at (571) 272-7099.

Brian Hearn
Petitions Examiner
Office of Petitions

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Patrick S. Yoder
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289

Mail Date: 04/27/2010

Applicant	: Christopher L. Strong	: DECISION ON REQUEST FOR
Patent Number	: 7603854	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/786,008	: 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 **317** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Patrick S. Yoder
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289

Mail Date: 04/27/2010

Applicant	: Christopher L. Strong	: DECISION ON REQUEST FOR
Patent Number	: 7603855	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/786,009	: 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 **259** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BERGMAN & JECKLE P.L.L.C.
421 W. RIVERSIDE
SUITE 717
SPOKANE WA 99201

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
RAJEWSKI, Max R.	:	
Application No. 11/786,010	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO WITHDRAW
Attorney Docket No. **Rajewski, Max R.**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 05, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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: **MAX R. RAJEWSKI**
6652 ELIJA ROAD
WELLPINIT, WA 99040

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BERGMAN & JECKLE P.L.L.C.
421 W. RIVERSIDE
SUITE 717
SPOKANE WA 99201

In re Application of :
RAJEWSKI, MAX R. :
Application No.: 11/786010 : DECISION ON
Filing or 371(c) Date: April 10, 2007 : PETITION
Attorney Docket Number: **RAJEWSKI, MAX R.** :

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed September 14, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed May 4, 2009.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756 - 1499.

Kendrick Sprunt
Application Assistance Unit
Office of Data Management

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YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

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APR 28 2010

OFFICE OF PETITIONS

In re Application of :
CUNNINGHHAM, Ryan B. et al. :
Application No. 11/786,016 : DECISION ON PETITION
Filed: April 09, 2007 : TO WITHDRAW
Attorney Docket No. **324212017700** : 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 24, 2010.

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 YAHOO C/O MOFO PALO ALTO has been revoked by the assignee of the patent application on April 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **YAHOO! INC. C/O GREENBERG TRAURIG, LLP**
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

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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 :
Ryan B. Cunningham, et. al. :
Application No. 11/786,020 : DECISION ON PETITION
Filed: April 9, 2007 : TO WITHDRAW FROM
Attorney Docket No. 085804-726118 : 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

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SCHEIN & CAI LLP
James Cai
111 W. ST. JOHN ST.
SUITE 1250
SAN JOSE CA 95113

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OFFICE OF PETITIONS

In re Application of :
Ming Sun et al. :
Patent No. 7,466,014 : ON PETITION
Application No. 11/786,045 :
Filed April 9, 2007 :
Issued December 6, 2008
Attorney Docket No. AOS026

This is a decision on the petitions filed April 24, 2009 under 37 CFR 1.137(b), to revive the above-identified application and under 37 CFR 1.28 to accept a fee deficiency.

The petitions are **GRANTED**.

As to the petition under 37 CFR 1.137(b), the above-identified application became abandoned for failure to pay the balance of the issue fee due in a timely on or before February 6, 2009 as required in the Notice mailed November 6, 2008, which set a period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 7, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional have been received. Accordingly, the balance of the issue fee 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 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 of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

As to the petition 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.

Telephone inquiries concerning this decision should be directed to Ron Abelson at (571) 272-3165 or in his absence, the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

COURTNEY STANIFORD & GREGORY LLP
P.O. BOX 9686
SAN JOSE, CA 95157

In re Application of :
Johan **VANDERHAEGEN, et al.** :
Application No. 11/786,064 : DECISION ON PETITION
Filed: April 9, 2007 : UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. **BOSC.P021** :

This is a decision on the petition under 37 CFR 1.313(c), filed January 30, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

> Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:
> (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
> (2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
> (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7352.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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P.O. BOX 9686
SAN JOSE, CA 95157

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Johan **VANDERHAEGEN, et al.** :
Application No. 11/786,064 : DECEISION ON PETITION
Filed: April 9, 2007 : UNDER 37 CFR 1.313(a)
Attorney Docket No. **BOSC.P021** :

This is a decision on the renewed petition under 37 CFR 1.313(a), filed March 6, 2009, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of an IDS filed on January 30, 2009.

37 CFR 1.313(a) states, in part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of $130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

The issue fee in this application was received on January 30, 2009. If the IDS is not favorably considered by the examiner, petitioner may wish to file a petition under 37 CFR 1.313(c)(2).

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-7253.

This matter is being referred to Technology Center AU 2819 for appropriate action on the IDS filed January 30, 2009.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/20/08 Paper No.: —

TO SPE OF : ART UNIT 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/786067 Patent No.: 7311291 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

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE 3723 Art Unit

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11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

Mail Date: 04/27/2010

Applicant	: Anil Mukundan	: DECISION ON REQUEST FOR
Patent Number	: 7603677	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/786,068	: 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 0 1 2009

OFFICE OF PETITIONS

JEFFREY C MAYNARD ESQ
154 BARBARA ROAD
SEVERNA PARK MD 21146

In re Application of :
Jason D. Hardebeck :
Application No. 11/786,070 : ON PETITION
Filed: April 10, 2007 :
Attorney Docket No. JDH.PAT.02 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 13, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the final Office action, mailed September 22, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on December 23, 2008. The Office mailed a Notice of Abandonment on May 5, 2009.

With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and filed the required reply in the form of an RCE.

The application is being forwarded to Group Art Unit 3724 for consideration of the RCE, filed August 13, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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MAILED

Paper No.

APR 13 2009

OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of :
Stephen Robert Tennison et al. :
Application No. 11/786,072 : DECISION ON PETITION
Filed: April 10, 2007 : UNDER 37 C.F.R. § 1.181
Attorney Docket No.: :
13101/49502 :
Title: POROUS CARBONS :

This is a decision on the petition filed on January 30, 2009, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts, mailed May 7, 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 8, 2007. A notice of abandonment was mailed on January 15, 2009.

RELEVANT PORTIONS OF THE C.F.R.

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 this petition, Applicant has asserted that a submission was timely received by the Office on October 9, 2007.

The electronic record has been reviewed, and it has been determined that the response of October 9, 2007 was not timely made. A discussion follows.

The Notice of Missing Parts of May 7, 2007 was mailed to Applicants' former representative, and required a fully executed oath or declaration along with the fee that is associated with the late submission of the same, a substitute specification, and replacement drawings. This notice set a shortened statutory period for reply of two months.

On August 8, 2007, Applicants' former representative submitted a substitute specification, replacement drawings, and the fee that is associated with the late submission of an oath or declaration. A one-month extension of time was requested, so as to make timely this response[1] (at the time, the fee that is associated with the filing of a one-month extension of time was set at $120).

However, a fully executed oath or declaration was not included with the submission of August 8, 2007, and as such, the Office mailed a Notice of Incomplete Reply on August 21, 2007. This

1 The submission included a certificate of mailing dated August 4, 2007.

Notice of Incomplete Reply did not extend the period for response that was set by the preveniently mailed Notice of Missing Parts.

A fully executed declaration was received on October 9, 2007 from Applicants' former representative, along with a certificate of mailing dated October 5, 2007. As such, a three-month extension of time was required in order to make timely this submission: at the time, this fee was set at $1,050. As a one-month extension of time had already been submitted, **the amount due was $930** ($1050 less the previously submitted $120). However, it appears that Applicants' former representative miscalculated the amount that was due,[2] as the response to the second notice contained an authorization to charge only **$900** to a credit card, with no general authorization to charge any fee deficiency to a deposit account.

As such, the fee that is associated with the submission of a three-month extension of time was not received in full. It follows that the submission that was received on October 9, 2007 was not timely, and therefore, this application went abandoned by operation of law on August 8, 2007.

The record does not support a finding that the holding of abandonment should be withdrawn. As such, the petition must be **DISMISSED**.

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 Under 37 C.F.R. § 1.181(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered

---

2 See "Response to Notice to File Missing Parts of Application Filing Date Granted (PTO-1533)(Large Entity)," received on October 9, 2007, pages 2-3, where Applicants' former representative indicated that only $900 had been tendered to the Office.

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

5 (571) 273-8300- please note this is a central facsimile number.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web[6].

Alternatively, since it does not appear that Applicant is in a position to establish that the holding of abandonment should be withdrawn, Applicant may wish to consider filing a petition under 37 C.F.R. §§ 1.137(a) and/or (b).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[7] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
7 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 Applicant's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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OCT 1 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Tennison et al.	:	
Application No. 11/786,072	:	DECISION ON PETITION
Filed: April 10, 2007	:	
Attorney Docket No. 13101/49502	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

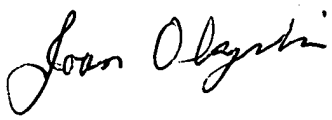
The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 7, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A one-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on August 8, 2007. A Notice of Abandonment was mailed January 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 Oath or Declaration, the $130.00 surcharge fee (previously submitted August 8, 2007), a substitute Specification (previously submitted August 8, 2007, and Replacement Drawings (previously submitted August 8, 2007), (2) the petition fee of $1,620.00, 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.

Telephone inquiries concerning this decision should be directed to the undersigned 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.



Joan Olszewski
Petitioner Examiner
Office of Petitions

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
Stephen Robert Tennison, et al. :
Application No. 11/786,073 : ON PETITION
Filed: April 10, 2007 :
Attorney Docket No. 13101/49503 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 15, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 16, 2008. The Notice of Abandonment was mailed May 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on July 1, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/459,554.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 08/16/09	2 Serial/Patent # 11/786,073

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
X	Extension of Time		07/01/09	$ 1,110.00
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND	$ 1,110.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 1 1 -- 0 6 0 0

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Extension of time unnecessary.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Terri Williams TITLE: Paralegal Specialist

SIGNATURE: Terri Williams PHONE: (571) 272-2991

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [signature] DATE: 8/17/09

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)

CANCELLED
OIPE
JUL 0 1 2009
PATENT & TRADEMARK OFFICE

7-6-09

[13101/49503]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Stephen Robert TENNINSON et al.
Serial No.	:	11/786,073
Filing Date:		April 10, 2007
Title	:	POROUS CARBONS
Art Unit	:	1796
Examiner	:	Irina Sopjia ZEMEL
Confirmation No.:		6522
Customer No.		26646

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

MADAM:

Applicants hereby petition to revive the above-identified patent application under 37 C.F.R. § 1.137(b). The patent application became unintentionally abandoned on December 15, 2009 for failure "to timely file a proper reply to the Office letter mailed on 15 September 2008."

On December 5, 2008, Kenyon & Kenyon attorneys filed a Power Of Attorney By Assignee Of Entire Interest (Revocation Of Prior Powers and Appointment Of New Power) and a 3.73(b) Statement document with the United States Patent and Trademark Office. On May 5, 2009, a Notice of Abandonment was received for the above-captioned application at the offices of Kenyon & Kenyon.

An Office Action dated September 15, 2008 was mailed to the prior counsel of record, Bartlett & Sherer, 103 South Schaffer Drive, New Freedom, PA 17349, which was forwarded back to the Patent Office as undeliverable on September 22, 2008. The deadline for filing a response was December 15, 2008. On December 5, 2008, the United States Patent and Trademark Office received the Power of Attorney By Assignee filed by Kenyon & Kenyon. On December 17, 2008, the Patent and Trademark Office mailed a Notice of Acceptance of

07/07/2009 SSANDARA 00000011 110600 11786073
01 FC:1453 1620.00 DA
Void dates: 07/07/2009 SSANDARA
07/07/2009 SSANDARA 00000011 110600 11786073
01 FC:1453 1620.00 CR

07/07/2009 SSANDARA 00000020 110600 11786073
01 FC:1253 Adjustment date: 08/17/2009 LDIEP1
07/07/2009 SSANDARA 00000020 110600 11786073
01 FC:1253 1110.00 CR

EXPRESS MAIL LABEL NO.: EM093908731US

Power of Attorney document to the offices of Kenyon & Kenyon, and on the same day, a Notice Regarding Change of Power of Attorney document was mailed to the prior counsel of record, Bartlett & Sherer. The Notice Regarding Change of Power of Attorney document sent to Bartlett & Sherer, was returned to the United States Patent and Trademark office as undeliverable on December 22, 2008.

Neither the client nor Kenyon & Kenyon were aware of the Office Action dated September 15, 2008. It was not mailed to Kenyon & Kenyon, was not found in the file as transferred, and was not reported to Kenyon & Kenyon by the prior counsel of record since it was returned to the United States Patent and Trademark Office. Although Kenyon & Kenyon filed a new Power of Attorney document on December 5, 2008, which was during the period to respond to the September 15, 2008 Office Action, the Patent Office did not notify Kenyon & Kenyon of either the September 15, 2009 Office Action or of the returned correspondence related to the Office Action.

Accompanying this petition is a copy of a contemporaneously filed continuation application to continue prosecution of the above-captioned application. Applicants request revival from date of unintentional abandonment to the contemporaneous filing of the continuation application.

The above-captioned application Serial Number 11/786,073, filed April 10, 2007, is a continuation of U.S. Patent Application Serial Number 10/344,248, filed May 29, 2003, which claims priority under 35 U.S.C. § 119 to Great Britain application Serial No. GB00019417 filed August 9, 2000. The contemporaneously filed continuation application claims priority to the above-captioned application, and Applicants petition to be accorded the filing dates of this and the priority applications. The filing of the contemporaneously filed continuation application constitutes a required reply under 37 CFR §1.137(c).

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.
A favorable decision on this Petition and the reinstatement of this application is respectfully requested.

Applicants respectfully petition for a **three-month extension of time** from the non-final Office Action of September 15, 2008, for which a response period was set to expire on December 15, 2008. The three-month extended period for response expires on March 15, 2009. The Office is authorized to charge the **three-month extension fee of $1,110.00** and

the **petition fee under 37 C.F.R. § 1.17(m)** for filing this Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. §1.137(b), which is believed to be **$1,620,00 to Deposit Account 11-0600**. The Commissioner is also authorized to charge (or credit) any additional or other fees (including any extension fees), as may be appropriate or necessary, to Deposit Account 11-0600.

Respectfully submitted,

Date: July 1, 2009

By: Carmella L. Stephens

Carmella Stephens, Reg. No. 41,328
KENYON & KENYON LLP
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)
CUSTOMER NO. 26646

EXPRESS MAIL LABEL NO.: EM 093908731US

UNITED STATES PATENT AND TRADEMARK OFFICE

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W H POWERS
1020 - 49TH AVENUE EAST
BRADENTON FL 34203

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of :
W. H. Powers :
Application No. 11/786, 080 : DECISION ON PETITION
Filed: April 10, 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 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 copy of applicant's birth certificate and 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 3677 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
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RICHARD A. SCOTT
131 STEPHANIE DR., SUITE 201
FRANKLINVILLE, NJ 08322

COPY MAILED

NOV 10 2008

OFFICE OF PETITIONS

In re Application of	:	
Richard A. SCOTT	:	
Application No. 11/786,081	:	DECISION ON REQUEST FOR
Filed: April 10, 2007	:	REVOCATION OF POWER
Attorney Docket No. 2224.00001	:	OF ATTORNEY
	:	

This is a decision on the Request to Withdraw as attorney or agent of record filed September 9, 2008, which is being treated as a Request for Revocation of Power of Attorney or Agent of record under 37 C.F.R. § 1.36(a).

The request is 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 correspondence address of record has been changed and the new correspondence address is the address indicated above.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HOLLSTEIN KEATING CATTELL
JOHNSON & GOLDSTEIN P.C.
WILLOW RIDGE EXECUTIVE OFFICE PARK
750 ROUTE 73 SOUTH, SUITE 301
MARLTON NJ 08053

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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MAR 3 1 2008

In re Application of :
MEHTA, Anita :
Application No. 11/786,085 : DECISION ON PETITION
Filed: April 10, 2007 : TO WITHDRAW
Attorney Docket No. **12346/15** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2007.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "assignee, Avocet is finding alternate counsel", does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed

assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **AVOCET POLYMER TECHNOLOGIES, INC.**
23560 W. MAIN STREET, SUITE 2
PLAINFIELD, IL 60544

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEVISOHN, BERGER, LLP
61 BROADWAY, 32ND FLOOR
NEW YORK, NY 10022

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DEC 09 2008

In re Application of
Jamshid Ghajar
Application No.11/786,139
Filed: April 11, 2007
Attorney Docket No. 1643.008

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed October 6, 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 12, 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 March 12, 2009 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center Art Unit 3765 for examination in due course.

Karen Creasy
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
11/786,139	04/11/2007	Jamshid Ghajar	1643.008

CONFIRMATION NO. 8882

4617
LEVISOHN, BERGER , LLP
61 BROADWAY , 32ND FLOOR
NEW YORK, NY 10022

NONPUBLICATION RESCISSION LETTER

Date Mailed: 12/03/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 03/12/2009.

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".

/kocreasy/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/5/10

TO SPE OF : ART UNIT 1656 Rao Manjunath (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/786146 Patent No.: 7465585

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

[signature]
Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

[signature]
SPE

1656
Art Unit

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NOV 16 2009

OFFICE OF PETITIONS

J. WILEY HORTON, ESQUIRE
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.
Post Office Box 10095
Tallahassee FL 32302-2095

In re Application of :
Kelly et al. :
Application No. 11/786161 : ON PETITION
Filing Date: 04/11/2007 :
Title of Invention: :
CARCASS PROCESSING APPARATUS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 9 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). Accordingly, the date of abandonment of this application is April 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee (and the submission required by 37 CFR 1.114); (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) 272-3232.

This application is being referred to Technology Center AU 3643 for processing of the RCE and for appropriate action on the amendment by the Examiner in the normal course of business.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of
David Pilling
Application No. 11/786,175
Filed: April 11, 2007
Attorney Docket No. 9145.0039-00

DECISION GRANTING PETITION

This is a decision on the petition, filed August 30, 2007, requesting that the above-identified application be accorded a filing date of April 10, 2007, rather than the presently accorded date of April 11, 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 10, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV977728449US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of April 10, 2007.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" 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 10, 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 10, 2007** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3215
Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of :
David J. Pilling :
Application No. 11/786,175 : DECISION ON PETITION
Filed: April 10, 2007 : TO WITHDRAW
Attorney Docket No. 9145.0039-00 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 16, 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 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.

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

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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NOV 16 2009

OFFICE OF PETITIONS

In re Application of :
David Pilling :
Application No. 11/786,175 : DECISION ON PETITION
Filed: April 10, 2007 : TO WITHDRAW
Attorney Docket No. 9145.0039-00 : FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 6, 2009.

The request is **NOT APPROVED**.

As stated in the previous decision mailed on August 31, 2009, 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 request still cannot be approved at this present time.

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, 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 inquiries 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SMYRSKI LAW GROUP,
A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA, CA 90405

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of :
Matt COWAN, et al :
Application No. 11/786,177 : DECISION ON PETITION
Filed: April 11, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. REAL0141 : 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 signed by applicant Lenny Lipton. 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 2621 for action on the merits commensurate with this decision.

April Wise
Petitions Examiner
Office of Petitions

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Mail Date: 04/21/2010

Applicant	: Miriam Elena Andara Giannotti	: DECISION ON REQUEST FOR
Patent Number	: 7585485	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/786,220	: 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 **203** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Brian H. Nagamatsu

Application No. 11786233

Filed: April 11,2007

Attorney Docket No. NAGA.6084-NY

: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 23-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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE FIRM OF HUESCHEN AND SAGE
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007

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JAN 14 2008

OFFICE OF PETITIONS

In re Application of :
COLIN E. CLARKE :
Application No. 11/786,240 : ON PETITION
Filed: 04/11/2007 :
Attorney Docket No. POF 2 PCT CIP :

This is also in response to the "REQUEST FOR CORRECTION OF INVENTORSHIP IN A PATENT APPLICATION," filed November 13, 2007. This is also in response to the petition under 37 CFR 1.47(b), filed November 13, 2007.

On filing the present nonprovisional application, petitioners identified Neil D. Aubert, Colin E. Clarke, Laurie J. Smith and Ian R. Vandenbosch as the inventive entity in the Transmittal. On May 9, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring petitioners to file an executed oath or declaration and pay a surcharge for its late filing. On November 13, 2007, petitioners submitted the present petitions, the surcharge, and an Application Data Sheet and a declaration naming Mr. Clarke as the sole inventor. Additionally, petitioners filed a Declaration Supplemental Sheet For Legal Representative on Behalf of a Deceased or Incapacitated Inventor, which identified Mr. Clarke as the deceased or incapacitated inventor, and was signed by his legal representative, Ian Ronald Vandenbosch, on his behalf.

Petitioners state that Colin Edward Clarke is the true and sole inventor of the subject matter of the nonprovisional application and request the deletion of Neil D. Aubert, Laurie J. Smith and Ian R. Vandenbosch as inventors in the present application.

Pursuant to 37 CFR 1.48(f)(1): "If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship." Furthermore, Section 201.03 of the Manual for Patent Examining Procedure states: "Where the first-filed executed oath or declaration was filed on or after December 1, 1997 and sets forth an inventive entity which is different from the inventive entity initially set forth at the time of the filing of the application, the actual inventorship of the application will be taken from the executed oath or declaration." See 37 CFR 1.41(a)(1).

The Office notes that the above-identified application, as filed on April 11, 2007, does not contain an executed oath or declaration in compliance with 37 CFR 1.63. Therefore, the later submission of an executed declaration on November 13, 2007, sets for the named inventors and acts to correct any earlier identification of the inventorship. Accordingly, the petition under 37 CFR 1.48 is **dismissed as moot.**

If the inventor is dead, insane, or otherwise legally incapacitated, the legal representative of the inventor may make the necessary oath or declaration, and apply for and obtain the patent. See 37 CFR 1.42, 1.43. The Office notes that 37 CFR 1.47 should not be considered as an alternative in the situation where an inventor is deceased or legally incapacitated. However, 37 CFR 1.47 does apply where a known legal representative of an inventor cannot be found or reached after diligent effort, or refuses to make application.

A petition under 37 CFR 1.47 is unnecessary in this instance because the Mr. Clarke's legal representative executed the declaration on his behalf. Accordingly, the petition under 37 CFR 1.47 is **dismissed as moot**.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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755 PAGE MILL ROAD
PALO ALTO, CA 94304

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
Ming J. Lu, et. al. :
Application No. 11/786,248 : DECISION ON PETITION
Filed: April 10, 2007 : TO WITHDRAW FROM
Attorney Docket No. 085804-710600 : 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

Commissioner for Patents
United States Patent and Trademark Office
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KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS CA 91360

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OFFICE OF PETITIONS

In re Application of :
Darrell Schmidt and Francisco :
Hinojosa Jr. :
Application No. 11/786,270 :
Filed: April 10, 2007 :
Attorney Docket Number: 922-27-113 :
Title: RECESSED AND ROTATABLE SPA SPEAKER SYSTEM :

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the petition under 37 C.F.R. § 1.47(a)[1], filed September 10, 2007.

The petition pursuant to Rule § 1.47(a) is **DISMISSED**.

On April 10, 2007, the application was filed, identifying Darrell Schmidt and Francisco Hinojosa Jr. as joint inventors. The application was deposited without an executed declaration. On

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) proof that either:
a) 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) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

May 9, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

With the present petition, Petitioner has included, *inter alia*, a declaration that has been signed by Mr. Hinojosa.

With this petition, Petitioner has met requirements (1) - (3) of Rule § 1.47(a).

Regarding the fourth requirement of Rule §1.47(a), Petitioner has set forth that the non-signing inventor "cannot be reached or refuses to sign the declaration and power of attorney."

Petitioner cannot have it both ways. It does not make sense for one to allege the address of a non-signing inventor is unknown, and then assert that the inventor has refused to sign. He can either claim the person cannot be located, whereby he does not have to establish the inventor received the application papers, or he can allege a refusal to sign. If he is alleging a refusal to sign, he must establish that a bona fide attempt was made to present a copy of the application papers to the non-signing inventor[2] (which would require a known addresses).

On renewed petition:

- If Petitioner chooses to assert that the non-signing inventor has refused to sign, no additional action need be taken, other than for him to provide the Office with this statement, since it is clear that a complete copy of the application was sent to the last known address of the non-signing inventor.

- If Petitioner chooses to assert that the non-signing inventor cannot be found, he will be required to establish that a diligent effort has been made to locate the non-signing inventor. There is no indication that a search was performed for the non-signing joint 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 the complete application papers to that address for consideration by the inventor[3].

---

2 See MPEP 409.03(d).
3 Id.

> Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If it is then averred that such attempts failed, then applicant will have provided the necessary proof required under 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

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].

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].

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

KOPPEL, PATRICK & HEYBL
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OFFICE OF PETITIONS

In re Application of	:	
Darrell Schmidt and Francisco	:	
Hinojosa Jr.	:	
Application No. 11/786,270	:	DECISION ON RENEWED PETITION
Filed: April 10, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: 922-27-113	:	§ 1.47(A)
Title: RECESSED AND ROTATABLE SPA SPEAKER SYSTEM	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a)[1], filed February 14, 2007.

The renewed petition pursuant to Rule § 1.47(a) is **DISMISSED**.

---

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) proof that either:
a) 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) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

On April 10, 2007, the application was filed, identifying Darrell Schmidt and Francisco Hinojosa Jr. as joint inventors. The application was deposited without an executed declaration. On May 9, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

An original petition was submitted on September 10, 2007. With the original petition, Petitioner included, *inter alia*, a declaration that has been signed by Mr. Hinojosa. The original petition was dismissed via the mailing of a decision on November 14, 2007. The decision on the original petition indicated that Petitioner had met requirements (1) - (3) of Rule § 1.47(a), and that Petitioner would need to assert that the non-signing inventor either cannot be found or has refused to sign.

Petitioner has asserted that on two occasions, a complete copy of the application was sent to the non-signing inventor at his last known address, however on each occasion, the package came back as undeliverable. Petitioner has provided a copy of the tracking results from the United States Postal Service's (USPS) website, and it is clear that the package was "**Undeliverable as Addressed.**"

On the second page of the decision on the original petition, it was set forth:

> [I]f Petitioner chooses to assert that the non-signing inventor has refused to sign, no additional action need be taken, other than for him to provide the Office with this statement, since it is clear that a complete copy of the application was sent to the last known address of the non-signing inventor.

The Office has since changed its position on this matter.

With this renewed petition, Petitioner has asserted that the non-signing inventor has refused to sign. However, the undersigned has contacted the USPS, and has been informed that if an addressee refuses delivery of a package, the "Track and Confirm" portion of the USPS website will indicate that the package was "refused," and not "undeliverable as addressed." Consequently, **it does not appear that the last-known address is an accurate address**.

On second renewed petition, Petitioner will need to assert that the non-signing inventor cannot be found, and he will be required

to establish that a diligent effort has been made to locate the non-signing inventor. **He will need to perform a search that is sufficiently broad in scope so as to provide a reasonable chance of success.**

Rule 47 applicant must attempt to determine the forwarding address of the non-signing inventor, and to send the complete application papers to that address for consideration by the inventor. 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[2].

If it is then averred that such attempts failed, then Rule 47 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 affidavit or declaration of facts by a person with first hand knowledge of the details[3].

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 pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[6]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[7].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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2 If the inventor is located, a new declaration (or an Application Data Sheet) might be required if there is a change in the last known address of this individual.
3 See M.P.E.P. § 409.03(d).
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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[8].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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.

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Paper No.

KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS CA 91360

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of Darrell Schmidt and Francisco Hinojosa Jr.	
Application No. 11/786,270	DECISION ON SECOND RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)
Filed: April 10, 2007	
Attorney Docket Number: 922-27-113	
Title: RECESSED AND ROTATABLE SPA SPEAKER SYSTEM	

This is in response to the second renewed petition pursuant to 37 C.F.R. § 1.47(a), filed May 27, 2008.

This second renewed petition pursuant to Rule § 1.47(a) is **DISMISSED.**

On April 10, 2007, the application was filed, identifying Darrell Schmidt and Francisco Hinojosa Jr. as joint inventors. The application was deposited without an executed declaration. On May 9, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

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 inventor;
(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 September 10, 2007. With the original petition, Petitioner included, *inter alia*, a declaration that has been signed by Mr. Hinojosa. The original petition was dismissed via the mailing of a decision on November 14, 2007. The decision on the original petition indicated that Petitioner had met requirements (1) - (3) of Rule § 1.47(a), and that Petitioner would need to assert that the non-signing inventor either cannot be found or has refused to sign.

A renewed petition was filed on February 14, 2007, and was dismissed via the mailing of a decision on March 24, 2008. The decision on the renewed petition indicated that due to the fact that the package that had been sent to the non-signing inventor was "undeliverable as addressed," Petitioner would need to "perform a search that is sufficiently broad in scope so as to provide a reasonable chance of success."

With this second renewed petition, Petitioner has indicated that a search has been performed for the non-signing inventor, and that he cannot be located.

It is noted that on the second page of this second renewed petition, Petitioner has set forth that a complete copy of the application was sent to the inventor on two occasions (May 14, 2007 and June 25, 2007), and that the first package "was accepted from us[1]." This assertion is contrary to what has been previously asserted by Petitioner. In the original petition, Petitioner asserted "[t]he United States Postal Service 'Track and Confirm' indicated that the packages were undeliverable on

1 Second renewed petition, page 2, paragraph 7.

both dates[2] (emphasis added)." This assertion was reiterated on renewed petition[3]. **On third renewed petition, Petitioner will need to explain this inconsistency.**

Regarding the fourth requirement of Rule 1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. Petitioner has set forth that the non-signing joint inventor cannot be reached, and as such, Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor. Petitioner has described the search that was performed for the non-signing inventor, and it is clear that the search was narrowly tailored to only search for records in the general vicinity of where he was last known to reside. It is plausible that Mr. Schmidt has since moved to another part of California or possibly even another state, and as such, **the search was too narrow to constitute a diligent search**, and as such, it does not appear that it was sufficiently broad so as to provide a reasonable chance of success.

It is noted that a search for this non-signing joint inventor was performed on LexisNexis® by the undersigned, and a plurality of potential matches were found.

Regarding the fifth requirement of Rule 1.47(a), since **it does not appear that the address that appears on the declaration is accurate**, and since diligent efforts have not been made to locate the non-signing inventor, this declaration cannot be accepted at this time.

Prior to submitting the third renewed petition, Petitioner will need to **perform a search that is sufficiently broad in scope so as to provide a reasonable chance of success.**

Rule 47 applicant must attempt to determine the forwarding address of the non-signing inventor, and to send the complete application papers to that address for consideration by the inventor. 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[4].

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2 Original petition, page 2, paragraph 6.
3 Renewed petition, page 2, paragraph 7.
4 If the inventor is located, a new declaration (or an Application Data Sheet) might be required if there is a change in the last known address of this individual.

If it is then averred that such attempts failed, then Rule 47 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 affidavit or declaration of facts by a person with first hand knowledge of the details[5].

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted.

The reply should include a cover letter entitled "Third Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

The third 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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5 See M.P.E.P. § 409.03(d).
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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OCT 10 2008

OFFICE OF PETITIONS

KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
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THOUSAND OAKS CA 91360

In re Application of	:	
Darrell Schmidt and Francisco Hinojosa Jr.	:	
Application No. 11/786,270	:	DECISION ON THIRD RENEWED
Filed: April 10, 2007	:	PETITION PURSUANT TO
Attorney Docket Number: 922-27-113	:	37 C.F.R. § 1.47(A)
Title: RECESSED AND ROTATABLE SPA SPEAKER SYSTEM	:	

This is in response to the third renewed petition pursuant to 37 C.F.R. § 1.47(a), filed September 22, 2008.

This third renewed petition pursuant to Rule 1.47(a) is **DISMISSED.**

On April 10, 2007, the application was filed, identifying Darrell Schmidt and Francisco Hinojosa Jr. as joint inventors. The application was deposited without an executed declaration. On May 9, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

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 inventor;
(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 September 10, 2007. With the original petition, Petitioner included, *inter alia*, a declaration that has been signed by Mr. Hinojosa. The original petition was dismissed via the mailing of a decision on November 14, 2007. The decision on the original petition indicated that Petitioner had met requirements (1) - (3) of Rule 1.47(a), and that Petitioner would need to assert that the non-signing inventor either cannot be found or has refused to sign.

A renewed petition was filed on February 14, 2007, and was dismissed via the mailing of a decision on March 24, 2008. The decision on the renewed petition indicated that due to the fact that the package that had been sent to the non-signing inventor was "undeliverable as addressed," Petitioner would need to "perform a search that is sufficiently broad in scope so as to provide a reasonable chance of success."

A second renewed petition was filed on May 27, 2008, and was dismissed via the mailing of a decision on July 21, 2008. The decision indicated that Petitioner would need to explain an inconsistency regarding the delivery of two mailings. The decision further indicated, in pertinent part:

> "Regarding the fourth requirement of Rule 1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made

> to locate the non-signing inventor. Petitioner has set forth that the non-signing joint inventor cannot be reached, and as such, Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor. Petitioner has described the search that was performed for the non-signing inventor, and it is clear that the search was narrowly tailored to only search for records in the general vicinity of where he was last known to reside. **It is plausible that Mr. Schmidt has since moved to another part of California or possibly even another state, and as such, the search was too narrow to constitute a diligent search, and as such, it does not appear that it was sufficiently broad so as to provide a reasonable chance of success.**
>
> It is noted that a search for this non-signing joint inventor was performed on LexisNexis® by the undersigned, and a plurality of potential matches were found."
>
> Emphases added.
>
> Decision on second renewed petition, page 3.

With this third renewed petition, Petitioner has sufficiently explained the inconsistencies regarding the mailings.

However, regarding the fourth requirement of Rule 1.47(a), despite the fact that the decision on the second renewed petition indicated that Petitioner would need to search for addresses outside of the state of California, Petitioner has indicated that he limited his search to addresses within the state of California:

> "On August 21, 2008, my office conducted a LexisNexis® public records search for any 'Darrell Schmidt' residing in the state of California."
>
> Third renewed petition, page 5, paragraph 16.

It follows that the search that Petitioner performed was too narrow to constitute a diligent effort at locating the non-singing inventor, as it was limited to narrowly search only those addresses that are in the state of California.

Regarding the fifth requirement of Rule 1.47(a), since **it does not appear that the address that appears on the declaration is accurate**, and since diligent efforts have not been made to locate the non-signing inventor, this declaration cannot be accepted at this time.

Prior to submitting the fourth renewed petition, Petitioner will need to **perform a search that is sufficiently broad in scope so as to provide a reasonable chance of success** – *i.e.*, Petitioner

must search for the non-signing inventor outside of the state of California.

Rule 47 applicant must attempt to determine the forwarding address of the non-signing inventor, and to send the complete application papers to that address for consideration by the inventor. 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.[1]

If it is then averred that such attempts failed, then Rule 47 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 affidavit or declaration of facts by a person with first hand knowledge of the details.[2]

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted.

The reply should include a cover letter entitled "Fourth Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

The fourth renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5]

Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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1 If the inventor is located, a new declaration (or an Application Data Sheet) might be required if there is a change in the last known address of this individual.
2 See M.P.E.P. § 409.03(d).
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[7]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Darrell Schmidt and Francisco	:	
Hinojosa Jr.	:	
Application No. 11/786,270	:	DECISION ON FOURTH RENEWED
Filed: April 10, 2007	:	PETITION PURSUANT TO
Attorney Docket Number: 922-27-113	:	37 C.F.R. § 1.47(A)
Title: RECESSED AND ROTATABLE SPA SPEAKER SYSTEM	:	

This is in response to the fourth renewed petition pursuant to 37 C.F.R. § 1.47(a), filed January 12, 2009.

This fourth renewed petition pursuant to Rule 1.47(a) is **DISMISSED.**

On April 10, 2007, the application was filed, identifying Darrell Schmidt and Francisco Hinojosa Jr. as joint inventors. The application was deposited without an executed declaration. On May 9, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

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 inventor;
(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 September 10, 2007, and was dismissed via the mailing of a decision on November 14, 2007. The decision on the original petition indicated that Petitioner had met requirements (1) - (3) of Rule 1.47(a).

A renewed petition was filed on February 14, 2007, and was dismissed via the mailing of a decision on March 24, 2008.

A second renewed petition was filed on May 27, 2008, and was dismissed via the mailing of a decision on July 21, 2008.

A third renewed petition was filed on September 22, 2008, and was dismissed via the mailing of a decision on October 10, 2008.

With this fourth renewed petition, Petitioner has established that the non-signing inventor cannot be found or reached after diligent effort.

To date, requirements (1) - (4) of 37 C.F.R. § 1.47(a) have been satisfied.

Regarding the fifth requirement of Rule 1.47(a), the declaration cannot be accepted. The declaration fails to comply with 37 C.F.R. § 1.63, for it contains **a non-initialed and non-dated change** by inventor Hinojosa.[1]

Prior to submitting the fifth renewed petition, Petitioner will need to secure a properly executed declaration from the signing inventor.

1 See 37 C.F.R. § 1.52(c)(1) and MPEP § 605.04(a).

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 "Fifth Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

The fifth renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[6]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
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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Darrell Schmidt
186 Laurel Ridge Drive
Simi Valley, California 93065

MAILED

AUG 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Darrell Schmidt and Francisco Hinojosa Jr.	:	
Application No. 11/786,270	:	LETTER
Filed: April 10, 2007	:	
Attorney Docket Number: 922-27-113	:	
Title: RECESSED AND ROTATABLE SPA SPEAKER SYSTEM	:	

Dear Mr. Schmidt:

You are named 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 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, the attorney of record 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 the undersigned at (571) 272-3225. 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).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS CA 91360

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AUG 03 2009

OFFICE OF PETITIONS

In re Application of :
Darrell Schmidt and Francisco :
Hinojosa Jr. :
Application No. 11/786,270 :
Filed: April 10, 2007 :
Attorney Docket Number: 922-27-113 :
Title: RECESSED AND ROTATABLE SPA SPEAKER SYSTEM :

DECISION ON FIFTH RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the fifth renewed petition pursuant to 37 C.F.R. § 1.47(a), filed June 29, 2009.

This fifth renewed petition pursuant to Rule 1.47(a) is **GRANTED**.

On April 10, 2007, the application was filed, identifying Darrell Schmidt and Francisco Hinojosa Jr. as joint inventors. The application was deposited without an executed declaration. On May 9, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

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 inventor;

(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 September 10, 2007, and was dismissed via the mailing of a decision on November 14, 2007.

A renewed petition was filed on February 14, 2007, and was dismissed via the mailing of a decision on March 24, 2008.

A second renewed petition was filed on May 27, 2008, and was dismissed via the mailing of a decision on July 21, 2008.

A third renewed petition was filed on September 22, 2008, and was dismissed via the mailing of a decision on October 10, 2008.

A fourth renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on January 12, 2009, and was dismissed via the mailing of a decision on February 27, 2009, which indicated that requirements (1) - (4) of Rule 1.47(a) had been satisfied.

With this fifth renewed petition pursuant to 37 C.F.R. § 1.47(a), an acceptable declaration that has been properly executed by inventor Hinojosa has been submitted. Petitioner has further included a two-month extension of time, so as to make timely this response.[1]

It follows that each of the five requirements of 37 C.F.R. § 1.47(a) have been satisfied. This application is hereby accorded Rule 1.47(a) status.

As provided in 37 C.F.R. § 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address that appears in the declaration submitted with this fifth renewed petition pursuant to Rule 1.47(a). Notice of

1 It is noted that June 27, 2009 fell on a Saturday.

the filing of this application will also be published in the *Official Gazette*.

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.

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.[2]

Paul Shanoski
Senior Attorney
Office of Petitions

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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OFFICE OF PETITIONS

CHIEF IP COUNSEL
BRIDGESTONE AMERICAS HOLDING, INC.
1200 FIRESTONE PARKWAY
AKRON, OH 44317-0001

In re Application of	:	
Michael J. HUBBARD	:	
Application No. 11/786,284	:	DECISION GRANTING PETITION
Filed: April 11, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **P06102US2B**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 19, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 19, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The 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 should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1796 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

cc: **ZOLLINGER & BURLESON, LTD.**
P.O. BOX 2368
CANTON, OH 44720-0368

---

[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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MURABITO HAO & BARNES LLP
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TWO NORTH MARKET STREET
SAN JOSE, CA 95113

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In re Application of :
Felix Zandman, et al. :
Application No. 11/786,328 : DECISION GRANTING PETITION
Filed: April 10, 2007 :
Attorney Docket No. VISH-7766.CON.4:

This is a decision in response to the petition filed August 19, 2008, requesting that the above-identified application be accorded a filing date of April 10, 2007, instead of the presently accorded date of April 11, 2007.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on April 10, 2005. In support, petitioners provide, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EM 017843266 US, showing a "Date-In" of "4 10 07." It is noted that the label also includes a USPS stamp dated "APR 10 2007". The same Express Mail receipt number appears on the application transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the USPS on April 10, 2007.

The petition is granted.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **April 10, 2007** and issuance of a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MAY 22 2007

TECHNOLOGY CENTER 3600

Paul Kephart
Rana Creek Habitat Restoration
35351 East Carmel Valley Road
Carmel Valley, CA 93924

In re application of
Paul Kephart
Application No. 11/786,335
Filed: April 10, 2007
For: BIODEGRADABLE MODULAR ROOFING TRAY AND METHOD OF MAKING

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on April 10, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **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 April 10, 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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GUNNISON MCKAY & HODGSON, LLP
1900 GARDEN ROAD
SUITE 220
MONTEREY CA 93940

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Chou, Yuan C. :
Application No. 11/786,337 :
Filed: April 10, 2007 :
Attorney Docket No. SUN051061 :

This is a decision on the petition filed May 7, 2007, requesting that the above-identified application be accorded a filing date of April 10, 2007. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on April 10, 2007, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 683562201 US showing a handwritten "date-in" of "04/10/07," as well as an "April 10, 2007" receipt stamp. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal."

To further substantiate applicant's allegation that the application papers for this file were deposited on the requested filing date, 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 April 10, 2007 at 4:42 p.m. at the Monterey, CA USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on April 10, 2007.

Although the return postcard receipt had a filing date of 041107 listed, the instant application was assigned a filing date of April 10, 2007, which is shown on the Filing Receipt mailed on May 16, 2007.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for further processing. Thereafter, the matter will be forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Walsh at (571) 272-3206.

Frances Hicks
Petitions Examiner
Office of Petitions

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LAW OFFICES LAURENCE M. DUNLAP, LTD.
SUITE 202-B, 14047 PETRONELLA DRIVE
LIBERTYVILLE, IL 60048

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In re Application of	:	
John Charin SOMBERG, et al	:	
Application No. 11/786,351	:	DECISION ON PETITION
Filed: April 12, 2007	:	TO WITHDRAW
Attorney Docket No. SR003	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 28, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Gildo Fato the sole attorney of record.

Gildo Fato has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address or 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: JOHN C. SOMBERG
210 SO. SAUNDERS RD.
LAKE FOREST, IL 60045

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CHICAGO IL 60661

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OFFICE OF PETITIONS

In re Application of :
Elmer Scott Welch, et al. :
Application No. 11/786,360 : DECISION ON PETITION
Filed: April 11, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. VQC01797P00121US : 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 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 3753 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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In re Application of	:	
WOOLF et al.	:	LETTER REGARDING PATENT
Application No. 11/786,368	:	TERM ADJUSTMENT
Filed: April 11, 2007	:	
Docket No. 37149-502D02US	:	

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" filed December 10, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **GRANTED to the extent indicated herein**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **zero (0) days (0 days of Office delay - 200 days of applicant delay)**. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

On October 6, 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 is zero (0) days (0 days of Office delay - 199 days of applicant delay). On December 10, 2009, applicants submitted the instant comment.

Applicants disclose:

> On July 16, 2008, Applicants filed a Letter to the Examiner, which qualified as a submission under 37 C.F.R. 1.704(c)(8). As this paper was not expressly requested by the Examiner and was filed after a Response had been filed, the period of adjustment begins on the day after the date the initial reply was filed, *i.e.* July 16, 2008, and ends on the date that the other paper was filed, *i.e.* July 16, 2008, which is one (1) day. In accordance with 37 C.F.R. 1.765, Applicants' duty of candor and good faith toward the Office, Applicants believe one (1) additional day of Applicant delay should be applied.

Communication, 12/10/09, p. 2.

Applicants' assertion is well taken. The record reveals that applicants submitted a Letter to the Examiner and a Replacement Sheet on July 16, 2008, after filing a reply to the non-final Office action on July 15, 2008. The record does not support a conclusion that the Examiner expressly requested the filing of the supplemental papers. Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment should have been reduced by 1 days pursuant to 37 CFR 1.704(c)(8), counting the number of days beginning on the day after the date the initial reply was filed, July 16, 2008, and ending on the date that the supplemental papers were filed, July 16, 2008. Accordingly, a period of reduction of 1 day will be entered.

Although it does not appear that applicants are also requesting reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, applicants are reminded that any application for patent term adjustment under 37 CFR 1.705(b) is premature at this time.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined.

Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months

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[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

In view of the additional period of reduction pursuant to 37 CFR 1.704(c)(8), the patent term adjustment determination at the time of the mailing of the notice of allowance is zero (0) days (0 days of Office delay - 200 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 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 in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PALM screen

Day : Wednesday

PALM INTRANET

Date: 2/17/2010
Time: 10:09:29

PTA Calculations for Application: 11/786368			
Application Filing Date:	04/11/2007	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	199
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
76	02/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
68	10/06/2009	MAIL NOTICE OF ALLOWANCE			
67	10/02/2009	ISSUE REVISION COMPLETED			
66	10/02/2009	DOCUMENT VERIFICATION			
65	10/02/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
64	10/02/2009	CASE DOCKETED TO EXAMINER IN GAU			
63	10/02/2009	NOTICE OF ALLOWABILITY			
62	08/25/2009	DATE FORWARDED TO EXAMINER			
61	07/17/2009	RESPONSE AFTER NON-FINAL ACTION		23	57
60	07/17/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
59	05/01/2009	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
58	04/28/2009	CORRESPONDENCE ADDRESS CHANGE			
57	03/24/2009	MAIL NON-FINAL REJECTION			
56	03/24/2009	NON-FINAL REJECTION			
53	02/20/2009	DATE FORWARDED TO EXAMINER			
52	02/10/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
51	02/20/2009	DATE FORWARDED TO EXAMINER			
50	02/10/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
49	02/20/2009	DISPOSAL FOR A RCE / CPA / R129			
48	02/10/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
47	11/13/2008	MAIL FINAL REJECTION (PTOL - 326)			
46	11/10/2008	FINAL REJECTION			

42	07/16/2008	NEW OR ADDITIONAL DRAWING FILED			
41	07/16/2008	MISCELLANEOUS INCOMING LETTER			
40	09/08/2008	DATE FORWARDED TO EXAMINER			
39	07/15/2008	RESPONSE AFTER NON-FINAL ACTION		34	36
38	06/26/2008	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
37	06/25/2008	DATE FORWARDED TO EXAMINER			
36.1	06/11/2008	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
36	06/11/2008	RESPONSE AFTER NON-FINAL ACTION		92	34
35	06/11/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
34	12/11/2007	MAIL NON-FINAL REJECTION			
33	12/10/2007	NON-FINAL REJECTION			
32	11/13/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	11/13/2007	REFERENCE CAPTURE ON IDS			
27	11/13/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT		50	21
26	11/13/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	10/04/2007	PG-PUB ISSUE NOTIFICATION			
24	09/26/2007	CORRESPONDENCE ADDRESS CHANGE			
23	09/27/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
22	09/26/2007	DATE FORWARDED TO EXAMINER			
21	09/24/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
20	08/22/2007	MAIL RESTRICTION REQUIREMENT			
19	08/20/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
17	04/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	07/15/2007	CASE DOCKETED TO EXAMINER IN GAU			
15	07/10/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	04/11/2007	REFERENCE CAPTURE ON IDS			
13	04/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	07/03/2007	APPLICATION DISPATCHED FROM OIPE			
11	06/22/2007	SENT TO CLASSIFICATION CONTRACTOR			
10	06/22/2007	APPLICATION IS NOW COMPLETE			

7	06/18/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
6	05/15/2007	CRF DOES NOT MATCH APPLICATION SPECIFICATION -- APPLICANT MUST CORRECT			
5	05/08/2007	CLEARED BY L&R (LARS)			
4	05/03/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	05/02/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	04/11/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	04/12/2007	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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FEB 23 2010

OFFICE OF PETITIONS

In re Application of :
Woolf, et al. :
Application No. 11/786,369 : LETTER REGARDING
Filed: April 11, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 37149-502D03US :

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" filed December 10, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **GRANTED to the extent indicated herein**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is zero (0) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On October 6, 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 is 0 days. On December 10, 2009, applicants submitted the instant comment. Applicants disclose that the reduction to the patent term adjustment for applicant delay should be increased by 121 days because of the filing of supplemental replies, specifically Information Disclosure Statements, on November 13, 2007, and September 26, 2009, after initial replies were filed on September 24, 2007, and July 17, 2009, respectively.

A review of the application history reveals that an Information Disclosure Statement (IDS) was filed on November 13, 2007, 50 days after a response to a restriction/election requirement was filed on September 24, 2007. Further, it is noted that an Information Disclosure Statement (IDS) was filed on September 26, 2009, 71 days after a response to a non-final Office action was filed on July 17, 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 the Information Disclosure Statement filed November 13, 2007, was filed 50 days after the response to the

restriction/election requirement was filed on September 24, 2007. It is also undisputed that the Information Disclosure Statement filed September 26, 2009, was filed 71 days after the response to the non-final Office action was filed on July 17, 2009. The record does not support a conclusion that the Examiner expressly requested the filing of either IDS. Further review of the Information Disclosure Statements filed November 13, 2007, and September 26, 2009, reveal that neither statement included the proper statement under § 1.704(d). Accordingly, pursuant to 37 CFR 1.704(c)(8), a period of reduction of fifty (50) days and a period of reduction of seventy-one (71) days will be entered.

Although it does not appear that applicants are also requesting reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, applicants are reminded that any application for patent term adjustment under 37 CFR 1.705(b) is premature at this time.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of

the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

In view of the additional period of reduction pursuant to 37 CFR 1.704(c)(8), the determination of the patent term adjustment at the time of the mailing of the notice of allowance is zero (0) days (0 days of Office delay - 270 (50 + 92 + 35 + 22 + 71) 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 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

---

[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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 updated PALM screen

PTA Calculations for Application: 11/786369			
Application Filing Date:	04/11/2007	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	149
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-71		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
92	02/22/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		71	
82	10/06/2009	MAIL NOTICE OF ALLOWANCE			
81	10/02/2009	ISSUE REVISION COMPLETED			
80	10/02/2009	DOCUMENT VERIFICATION			
79	10/02/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
78	10/02/2009	CASE DOCKETED TO EXAMINER IN GAU			
77	09/30/2009	NOTICE OF ALLOWABILITY			
76	09/26/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
74	09/26/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
73	08/25/2009	DATE FORWARDED TO EXAMINER			
72	07/17/2009	RESPONSE AFTER NON-FINAL ACTION		22	68
71	07/17/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
70	04/30/2009	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
69	04/27/2009	CORRESPONDENCE ADDRESS CHANGE			
68	03/25/2009	MAIL NON-FINAL REJECTION			
67	03/24/2009	NON-FINAL REJECTION			
64	02/20/2009	DATE FORWARDED TO EXAMINER			
63	02/10/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
62	02/20/2009	DATE FORWARDED TO EXAMINER			
61	02/10/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
60	02/20/2009	DISPOSAL FOR A RCE / CPA / R129			

59	02/10/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
58	11/13/2008	MAIL FINAL REJECTION (PTOL - 326)			
57	11/10/2008	FINAL REJECTION			
52	07/16/2008	NEW OR ADDITIONAL DRAWING FILED			
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50	07/16/2008	RESPONSE AFTER NON-FINAL ACTION		35	46
49	06/26/2008	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
48	06/11/2008	NEW OR ADDITIONAL DRAWING FILED			
47	06/26/2008	DATE FORWARDED TO EXAMINER			
46.1	06/11/2008	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
46	06/11/2008	RESPONSE AFTER NON-FINAL ACTION		92	44
45	06/11/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
44	12/11/2007	MAIL NON-FINAL REJECTION			
43	12/10/2007	NON-FINAL REJECTION			
42	11/13/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	04/11/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	11/08/2007	PG-PUB ISSUE NOTIFICATION			
30	09/26/2007	DATE FORWARDED TO EXAMINER			
29	09/24/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
28	09/26/2007	CORRESPONDENCE ADDRESS CHANGE			
27	09/27/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
26	08/29/2007	MAIL RESTRICTION REQUIREMENT			
25	08/27/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
24	08/21/2007	CASE DOCKETED TO EXAMINER IN GAU			
23	08/16/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
22	04/11/2007	REFERENCE CAPTURE ON IDS			
21	04/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	08/09/2007	APPLICATION DISPATCHED FROM OIPE			
19	08/01/2007	SENT TO CLASSIFICATION CONTRACTOR			
18	08/02/2007	APPLICATION IS NOW COMPLETE			
17	07/16/2007	ADDITIONAL APPLICATION FILING FEES			

16	07/16/2007	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
15	05/26/2007	CLEARED BY L&R (LARS)			
14	05/23/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
13	05/19/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
12	05/16/2007	CORRECTED PAPER			
6	04/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	11/13/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
4	05/11/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	04/11/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	04/12/2007	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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KALAMAZOO MI 49008-1631

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JUN 14 2007

OFFICE OF PETITIONS

In re Application of :
Marina Ehrenberger :
Application No. 11/786,374 : DECISION ON PETITION
Filed: April 11, 2007 :
Attorney Docket Number: :
5000.P0135US :
Title: LOADING SPACE FOR A :
MOTOR VEHICLE, WITH A :
PROTECTIVE DEVICE :

This is a decision on the petition filed May 21, 2007, requesting that eights sheets of drawings be accorded a filing date of April 11, 2007, as part of the original disclosure.

The application was deposited on April 11, 2007. However, on May 9, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application (notice)", stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the receipt of drawings. The notice set a two-month period for response.

In response, on May 21, 2007, applicants filed the present petition. The petition is further accompanied by a copy of Petitioner's postcard receipt, which contains a stamp from OIPE indicating that the Office did not receive eights sheets of drawings on filing.

Petitioner has asserted that the drawings were received, but were improperly handled during the scanning process. The electronic

file has been reviewed, and this assertion appears to be correct: the 29 page foreign priority document contains 21 pages of a document in a foreign language, and 8 pages of drawings.

Therefore, the application, including 8 pages of drawings, was complete on filing and the figures contained therein (Figures 1-13) are entitled to a filing date of April 11, 2007 as part of the original disclosure.

Accordingly, the petition is **GRANTED.**

The notice mailed May 9, 2007 was sent in error, and is hereby **VACATED.** Therefore, no petition fee is necessary, and the petition fee has not been charged to Petitioner's Deposit Account.

The eight sheets of drawings will be properly coded as such in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 11, 2007, using the original application papers filed on that date, including the eight sheets of drawings that were deposited on filing. OIPE will then mail a filing receipt.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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FRIEDRICH KUEFFNER
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NEW YORK, NY 10017

MAILED

MAY 19 2009

OFFICE OF PETITIONS

In re Application of
Matthias Kluge, et al.
Application No. 11/786,392
Filed: April 11, 2007
Attorney Docket No. RW-197

ON PETITION

This is a decision on the petition, filed March 26, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply to the non-final Office action mailed August 15, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on March 11, 2009. In response, on March 26, 2009, the present petition was filed wherein petitioner asserts that a reply was timely filed on February 19, 2009.

A review of the file record discloses that an amendment, including an appropriate 3-month extension of time, was filed on February 19, 2009, using a Certificate of Mailing dated February 16, 2009. Since February 15, 2009 was Sunday and Monday, February 16, 2009 was a Federal holiday in the District of Columbia, the response is considered timely under 37 CFR 1.8.

Consequently, the holding of abandonment for failure to timely file a response to the Office action of August 15, 2008 is withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed March 26, 2009 is hereby vacated.

This application is being referred to Technology Center AU 3617 for appropriate action in the normal course of business on the reply received February 19, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
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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OFFICE OF PETITIONS

In re Application of

VERHEEM, Johann B.
Application No. 11/786,400
Filed: April 10, 2007
Attorney Docket No. **212/952**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 12, 2009.

The request is **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. 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: **JOHANN B. VERHEEM**
2387 LA MIRADA DRIVE
VISTA CA 92081

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AUG 11 2009

OFFICE OF PETITIONS

In re Application of :
VERHEEM, Johann B. :
Application No. 11/786,400 : DECISION ON PETITION
Filed: April 10, 2007 : TO WITHDRAW
Attorney Docket No. **212/952** : 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, 2009 and re-submitted on July 22, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to CROCKETT & CROCKETT, P.C. has been revoked by the applicant of the patent application on July 15, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **THE NATH LAW GROUP**
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

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JUN 19 2007

Steven R. Massey
15 Southview Drive
Cartersville GA 30121

In re Application of: MASSEY, Steven Ray Serial No.: 11/786,407 Filed: April 9, 2007 Title: AIR TURBINE	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 9, 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 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 and also the application is not complete at the time of filing as evidenced by the Notice of Incomplete Nonprovisional Application mailed 5/15/07.

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 Colleen P. Cooke, TC 3700 Special Program Examiner, at (571) 272-1170.

_____

Colleen P. Cooke, Special Program Examiner
Technology Center 3700

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90 days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–10044 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2006–0014]

Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office.

DATES: *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

FOR FURTHER INFORMATION CONTACT: Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7726, or by facsimile at (571) 273–7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to *MPEPFeedback@uspto.gov*, or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313–1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217–9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

SUPPLEMENTARY INFORMATION: New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. *See* 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date 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 this notice. See Part VIII, for more information on eligibility.

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. *See* 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. *See* Part VIII (subsection Conditions for Examination) for more information.

(5) 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.

(6) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

(A) This preexamination search must 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 source and includes such a justification with this statement.

(B) This preexamination search must be directed to the claimed invention and

encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(C) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (*see* item 9) will be treated as not fully responsive and will not be entered. *See* Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. *See* 37 CFR 1.56 and 10.18.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) An accelerated examination support document must include 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.

(B) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(C) The accelerated examination support document must include 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).

(D) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(E) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 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 U.S.C. 112, ¶ 6; and (2) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6. 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 the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108–453, 118 Stat. 3596 (2004)).

Part II. Decision on Petition To Make Special: Applicant will be notified of the decision by the deciding official. If the application and/or petition does not meet all the prerequisites set forth in this notice for the application to be granted special status (including a determination that the search is deemed to be insufficient), the applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. In those instances in which the petition or accelerated examination support document is defective in one or more requirements, applicant will be given a single opportunity to perfect the petition or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. *See* Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

Part III. The Initial Action on the Application by the Examiner: Once the application is granted special status, the application will be docketed and taken up for action expeditiously (*e.g.*, within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If 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 (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (*e.g.*, a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. *See* Parts V and VI for more information on post-allowance and after-final procedures.

Part IV. Reply by Applicant: A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (*see* item 8 of Part I) or an updated accelerated examination support document (*see* next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered. *See* Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. *See* Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

Part V. Post-Allowance Processing: The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL–85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL–85; and (2) not file any post-allowance papers that are not required by the USPTO (*e.g.*, an amendment under 37 CFR 1.312 that was not requested by the USPTO).

Part VI. After-Final and Appeal Procedures: The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (*i.e.*, the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process, the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (*see* 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

Part VII. Proceedings Outside the Normal Examination Process: If an application becomes involved in proceedings outside the normal examination process (*e.g.*, a secrecy order, national security review, interference, or petitions under 37 CFR 1.181–1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

Part VIII. More Information: Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. *See* 37 CFR 1.155.

Form: Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at *http://www.uspto.gov/web/forms/index.html.*

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151–1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (*e.g.*, a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (Part II) does not apply to applications that are not in condition for examination on filing.

Reply Not Fully Responsive: If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

Withdrawal From Accelerated Examination: There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

The Twelve-Month Goal: The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of the application. The final disposition of an application, however, may occur later than the twelve-month timeframe in certain situations (*e.g.*, an IDS citing new prior art after the mailing of a first Office action). *See* Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651–0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6–10022 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: June 26, 2006.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely

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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MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard King	:	
Application No. 11/786,429	:	DECISION ON PETITION
Filed: April 11, 2007	:	TO WITHDRAW
Attorney Docket No. 00124/002001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 6, 2009.

The request is **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 Mark D. Wieczorek on behalf of all attorneys of record who are associated with customer No. 27774. All attorneys/agents associated with the Customer Number 27774 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: RICHARD KING
PO BOX 413
BRIGHTWATERS, NY 11718

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/786,429	04/11/2007	Richard King	00124/002001

CONFIRMATION NO. 7174

POWER OF ATTORNEY NOTICE

27774
MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

Date Mailed: 06/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/06/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Patrick G. Burns
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Suite 2500
300 South Wacker Drive
Chicago IL 60606

COPY MAILED
FEB 17 2010

In re Application of	:	
Seishiro Hamanaka, et al.	:	
Application No. 11/786,438	:	DECISION GRANTING PETITION
Filed: April 11, 2007	:	UNDER 37 CFR 1.313(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 16, 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 3, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2455 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

[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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ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

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JUL 0 5 2007

OFFICE OF PETITIONS

In re Application of :
KARPOWICZ, et al. :
Application No. 11/786,475 : DECISION ON PETITION
Filed: April 12, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **46020-0002-01-US (235304)** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 12, 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 John R. Boehringer, 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 3761 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH, VA 23462

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MAY 29 2009

OFFICE OF PETITIONS

In re Application of Torres et al. :
Application No. **11/786,507** : Decision on Petition
Filing Date: April 12, 2007 :
Attorney Docket No. 047668.0001 :

This is a decision on the petition under 37 CFR 1.181 filed March 5, 2008, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

Facts

The Office mailed a Notice to File Corrected Application Papers on May 25, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice.

Although petitioner filed a timely reply to the Notice on July 12, 2007, the reply indicated the papers were being filed for Application No. 11/768,507. As a result, the papers were matched with the file for Application No. 11/768,507.

The Office mailed a Notice of Abandonment on February 5, 2008.

The instant petition was filed March 5, 2008. All the papers filed March 5, 2008, list an application number of 11/768,507.

Discussion

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

(1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
(2) The papers contained sufficient information for the Office to determine the correct application number.

As for (1), the papers filed July 12, 2007, contained sufficient information for the Office to recognize they included an incorrect application number. As for (2), the papers filed July 12,

2007, contained sufficient information for the Office to determine the correct application number. Therefore, the petition is granted.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The papers filed July 12, 2007, have been transferred to the file wrapper for the instant application.

The papers filed March 5, 2008, have been transferred to the file wrapper for the instant application.

The Office of Patent Application Processing will be informed of the instant decision, will review the drawings filed July 12, 2007, and will prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

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OFFICE OF PETITIONS

In re Application of	:	
Torres et al.	:	DECISION ON PETITION
Application No. 11/786,507	:	TO WITHDRAW
Filed: April 12, 2007	:	FROM RECORD
Attorney Docket No. 047668.0001	:	

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 3, 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. The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of the first named inventor, but rather the second named inventor.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is an outstanding Office action mailed July 16, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Thomas F. Bergert
321 E. Main St., Suite 400
Charlottesville VA 22902

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MUNSCH, HARDT, KOPF & HARR, P.C.
INTELLECTUAL PROPERTY DOCKET CLERK
3800 LINCOLN PLAZA
500N AKARD STREET
DALLAS, TX 75201

Mail Date: 04/21/2010

Applicant	: Todd Housley	: DECISION ON REQUEST FOR
Patent Number	: 7658294	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/786,534	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JAMES W. HINEY, ESQ.
P.O. BOX 818
MIDDLEBURG, VA 20118

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MAY 16 2008

OFFICE OF PETITIONS

In re Application of :
Smith, Stephen :
Application No. 11/786,538 : ON PETITION
Filed: April 12, 2007 :
Title: H-BRIDGE PULSE GENERATOR :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 24, 2008, to revive the above-identified application. In view of the allegation in the petition of the non-receipt of the Notice to File Corrected Application Papers, the petition will also be considered under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. § 1.181 is **DISMISSED**.

The petition under 37 C.F.R. § 1.137(b) 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 May 14, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the above-identified application became abandoned on July 15, 2007.

An allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. 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.[1]

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.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because practitioner did not attest to searching the file jacket and did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has not met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

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[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[2]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[3]

The instant petition lacks item (1) as listed above. The Notice required replacement drawings, which were received with the instant petition, and also additional claims fees. A copy of the Notice is enclosed for petitioner's convenience.

Petitioner requests a waiver of the petition fee. The relief requested in this petition cannot be granted because 35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application must be accompanied by a petition fee of $770.00, unless the petition is filed under 35 U.S. C 133 or 151 on the basis of unavoidable delay. Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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[2] . 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.

[3] See MPEP 711.03(c)(III)(C) and (D).

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JAMES W. HINEY, ESQ.
P.O. BOX 818
MIDDLEBURG, VA 20118

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OFFICE OF PETITIONS

In re Application of	:	
Smith, Stephen	:	
Application No. 11/786,538	:	ON PETITION
Filed: April 12, 2007	:	
Title: H-Bridge Pulse Generator	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed August 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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 matter will be referred to Technology Center 2800 for examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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LAS VEGAS, NV 89139

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OFFICE OF PETITIONS

In re Application of
Kenneth Brunelle
Application No. 11/786,585
Filed: April 11, 2007
Attorney Docket No. Piper-004

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "I no longer work for client," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no pending Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Kenneth Brunelle
850 South Rancho Drive #1005
Las Vegas, NV 89106

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Daniel Flamm
Buchanan, Ingersoll & Rooney, LLP
333 Twin Dolphin Drive
Suite 700
Redwood Shores, CA 94065

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OFFICE OF PETITIONS

In re Application of	:	
Charles Michael Brown	:	
Application No. 11/786,585	:	DECISION ON PETITION
Filed: April 18, 2007	:	TO WITHDRAW
Attorney Docket No. PA0010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed March 27, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Daniel L. Flamm 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.

It is also noted that the applicant Charles Michael Brown is not the inventor of the above application no. 11/786,585.

All future communications from the Office will continue to be directed to the address above until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Charles Michael Brown
55 Skylonda Drive
Woodside, CA 94962
McLean, VA 22102

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Susan Money
8285 Golden Flowers Street
Las Vegas, NV 89139

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OFFICE OF PETITIONS

In re Application of	:	
Kenneth Brunelle	:	
Application No. 11/786,585	:	DECISION ON PETITION
Filed: April 11, 2007	:	TO WITHDRAW
Attorney Docket No. Piper-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 June 9, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 6735.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Kenneth Brunelle
850 S. Rancho Drive #1005
Las Vegas, NV 89106

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OFFICE OF PETITIONS

In re Application of :
MCKINNEY, et al. :
Application No. 11/786,618 :
Filed: April 12, 2007 :
Attorney Docket No. **232-5** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 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 Corrected Application Papers, mailed May 15, 2007. The Notice set a period for reply of sixty (60) days from the mail date of the Notice. Accordingly, the application became abandoned on July 16, 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 surcharge fee of $65, search fee of $255, examination fee of $105 and corrected drawings; (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 for pre-examination processing.

Telephone inquiries regarding to status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

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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DUGAN & DUGAN, PC
245 Saw Mill River Road
Suite 309
Hawthorne, NY 10532

Mail Date: 04/21/2010

Applicant	: Kang-Jay Hsia	: DECISION ON REQUEST FOR
Patent Number	: 7629247	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/786,620	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **24** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ST. LOUIS MO 63131-3615

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OFFICE OF PETITIONS

In re Application of

THOMPSON, Curtis E. et al.
Application No. 11/786,624
Filed: April 12, 2007
Attorney Docket No. **THCU 9525U1**

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 20, 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) and (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: **CURTIS THOMPSON**
62 TOWER BRIDGE PLACE
ST. CHARLES MO 63303

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OFFICE OF PETITIONS

In re Application of :
THOMPSON, Curtis E. et al. :
Application No. 11/786,624 : DECISION ON PETITION
Filed: April 12, 2007 : TO WITHDRAW
Attorney Docket No. **THCU 9525U1** : 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 19, 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 Douglas Churovich on behalf of all attorneys of record who are associated with customer No. 01688. All attorneys/agents associated with the Customer Number 01688 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 Curtis Thompson at the address indicated below. There is an outstanding Office action mailed August 21, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **CURTIS THOMPSON & MONICA THOMPSON**
62 TOWER BRIDE PLACE
ST. CHARLES MO 63303

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Ronald M. Struziak	: DECISION ON REQUEST FOR
Patent Number	: 7648279	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/786,637	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **505** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Ronald M. Struziak	: DECISION ON REQUEST FOR
Patent Number	: 7648279	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/786,637	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **505** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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THOMPSON HINE L.L.P.
Intellectual Property Group
P.O. BOX 8801
DAYTON, OH 45401-8801

Mail Date: 05/19/2010

Applicant	: Daniel C. Biggs JR.	: DECISION ON REQUEST FOR
Patent Number	: 7656128	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/786,651	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **51** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

MAILED

OCT 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Fellner et al.	:	DECISION ON PETITION
Application No. 11/786,677	:	TO WITHDRAW
Filed: April 12, 2007	:	FROM RECORD
Attorney Docket No. 8285/917	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 5, 2009.

The request is **NOT APPROVED**.

The 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.*

A review of current USPTO records does not list AT&T Intellectual Property 1, L.P. as the current recorded assignee of the above-identified application.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) currently of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

Additionally, it is not apparent after a review of the file record that Brinks Hofer Gilson & Lione has the power of attorney in this patent application. Specifically, the Power of Attorney filed June 19, 2009 was not accepted since it was signed by Umesh M. Desai of SBC Properties, L.P. There is no properly recorded assignment to SBC Properties, L.P. associated with the above-identified application. Further, the Application Filing Receipt

mailed March 2, 2009 does not indicate a power of attorney as having been filed. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) may not be applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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WARE FRESSOLA VANDER SLUYS
& ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, PO. BOX 224
MONROE, CT 06468

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OCT 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Ronald Alfred SARACCO :
Application No. 11/786,687 : DECISION ON PETITION
Filed: April 11, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 404-241.003-1 : 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.

This application is being referred back to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

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 2832 for action on the merits commensurate with this decision.

Diane Goodwyn
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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ROBERT T JOHNSON
603 COLLINS STREET
PLYMOUTH WI 53073

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FEB 01 2010

In re Application of	:	
Eugene R. PERRONNE	:	
Application No. 11/786,727	:	DECISION ON PETITION
Filed: April 13, 2007	:	
Attorney Docket No. KE-1-07	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 2009, to revive the above-identified application.

The petition is **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 a amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of March 19, 2009 is accepted has being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3635 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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EUGENE OAK
610 S. VAN NESS AVE.
LOS ANGELES, CA 90005

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of
Chae Yong Kim
Application No. 11/786,729
Filed: April 13, 2007
Attorney Docket No. 911-0925

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 6, 2009, to revive the above-identified application.

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.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition does not comply with item 1, the required reply. In this regard the proposed reply must be responsive to the rejections/objections contained in the Office action of January 11, 2008.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. ' 704.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[1]

Any questions concerning this decision may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: CHAE YONG S. KIM
1245 ST. ANDREWS CT.
ONTARIO, CA 91761

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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JUN 10 2009

OFFICE OF PETITIONS

CHAE YONG S. KIM
1245 ST. ANDREWS CT.
ONTARIO, CA 91761

In re Application of
Chae Young Kim
Application No. 11/786,729
Filed: April 13, 2007
Attorney Docket No. 911-0925

ON PETITION

This is a decision in response to the renewed petition, filed April 21, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed January 11, 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) was obtained. Accordingly, the application became abandoned on April 12, 2008. A Notice of Abandonment was mailed on August 6, 2008. On January 6, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed March 17, 2009. In response, on April 21, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Petitioner is reminded that the grant of a petition under 37 CFR 1.137 is not a determination that any reply is complete, since the petition may be granted if the reply appears to be *bona fide*. After revival of the application, the Examiner may, upon more detailed review, determine that the reply is lacking in some respect.

The application is being referred to Technology Center AU 3673 for appropriate action by the Examiner in the normal course of business on the reply received April 21, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date Mailed : 02/23/10

Patent No. : 7627085 B2
Patent Issued : 12/01/09
Docket No. : **0606-002-003-000000**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 01/11/10; please see attachments. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 756-1574

SEARETE LLC
CLARENCE T. TEGREENE
1756 - 114TH AVE., S.E.
SUITE 110
BELLEVUE WA 98004

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20100223

DATE : 01/22/10

TO SPE OF : ART UNIT 2882

SUBJECT : Request for Certificate of Correction for Appl. No.: 11786744 Patent No.: 7627085

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.
x **Denied**	State the reasons for denial below.

Comments: The Certificate of Correction fails to specify how the patent is to be corrected. Specifically, the Certificate of Correction does not set forth exactly how the patent is to be corrected by using quotation marks to enclose the exact subject matter to be deleted or corrected, and using double hyphens (-- --) to enclose subject matter to be added.

/Edward J Glick/ **GAU 2882**

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON MA 02109-2881

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NOV 0 4 2008

OFFICE OF PETITIONS

In re Application of :

PARTRIDGE, Laila et al. :
Application No. 11/786,749 : DECISION ON PETITION
Filed: April 11, 2007 : TO WITHDRAW
Attorney Docket No. **LPR-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 September 04, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Christopher W. Stamos on behalf of all attorneys of record who are associated with customer No. 51414. 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 Laila Partridge 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: **LAILA PARTRIDGE**
IRBE CORPORATION
15 LANARK ROAD
WELLESLEY, MA 02481

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Sheridan Ross, PC
1560 Broadway
Suite 1200
Denver, CO 80202

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OFFICE OF PETITIONS

In re Application of
Xiaojiang Chen et al.
Application No. 11/786,788
Filed: April 12, 2007
Attorney Docket No. 5375-1-1-1

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 14, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy of this decision is being mailed to the applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Xiaojiang Chen
1125 Jersey Street
Denver, CO 80220

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Ronald M. Struziak	: DECISION ON REQUEST FOR
Patent Number	: 7648280	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/786,796	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **508** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/786,843	04/12/2007	Takenori Ichinose	68102(71719)	2182

7590 07/10/2009

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
PHAN, TUANKHANH D	

ART UNIT	PAPER NUMBER
2163	

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.

Patent Publication Branch
Office of Data Management

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HICKMAN PALERMO TROUNG & BECKER LLP
AND APPLE INC.
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1089

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AUG 21 2007

OFFICE OF PETITIONS

In re Application of :
Christopher Sanders :
Application No. 11/786,864 : DECISION GRANTING PETITION
Filed: April 13, 2007 :
Attorney Docket No. P5186US1(60108-0150) :

This is a decision on the petition filed July 19, 2007, requesting that the above-identified application be accorded a filing date of April 13, 2007, with the 44 sheets of specification, claims, and abstract included as part of the original disclosure.

On April 13, 2007, the above-identified application was filed. On May 17, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application " (the "Notice"), stating that the application had not been accorded a filing date because claims were not found with the application papers. As to the alleged omitted item, the Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on July 19, 2007, applicant filed the present petition, a copy of the application as filed, and a copy of the Office date-stamped postcard receipt acknowledging receipt of 44 pages of specification, claims, and abstract, among other items on April 13, 2007.

Upon review of the record, the alleged omitted claims were not located among the original application papers. The evidence is convincing, however, that 44 pages of the specification, claims, and abstract accompanied the original application papers. Therefore, the application was complete on filing and entitled to a filing date of April 13, 2007.

Accordingly, the petition is granted. The petition fee of $400.00 will be refunded.

The application file is being returned to the Office of Initial Patent Examination for issuance of a corrected filing receipt and for further processing with the presently accorded filing date of April 13, 2007, using the 44 pages of specification, claims, and abstract.

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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BEYER WEAVER, LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

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OFFICE OF PETITIONS

In re Application of :
JUNG, et al. :
Application No. 11/786,875 : DECISION ON PETITION
Filed: April 12, 2007 : TO WITHDRAW
Attorney Docket No. **SAMSUN 3.0-019** : 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 17, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **BEYER WEAVER, LLP** has been revoked by the assignee of the patent application on November 5, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **LERNER DAVID LITTENBERG KRUMHOLZ & MENTLIK**
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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OFFICE OF PETITIONS

In re Application of	:	
Klaveness et al.	:	DECISION ON PETITION
Application No. 11/786,878	:	
Filed: 04/13/2007	:	
Atty Docket No. 11567/46402	:	

This is a decision on the petition under 37 CFR 1.57(a), filed on 16 July, 2007, requesting that the above-identified application be accorded a filing date of 13 April, 2007.

The petition is **GRANTED.**

On 13 April, 2007, the instant application was deposited without drawings.

Accordingly, on 18 May, 2007, the Office Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. A two month period for reply was set.

On 16 July, 2007, the present petition was filed, along with, inter alia, three (3) sheets of drawings.

Petitioners admit that the drawing sheets were inadvertently omitted from the application papers filed on 13 April, 2007, but state that this application contains, in a preliminary amendment to the specification present on filing, a claim for benefit under 35 U.S.C. § 120 of prior-filed application No. 10/343,209, filed on 10 June, 2003, which contains the omitted drawings.

Furthermore, the full set of drawings (the same set of drawings that were omitted by error) were included in the parent

application. Relying on §1.57(a), applicants state that the drawings were effectively incorporated by reference.

On September 21, 2004, § 1.57 was added to read, in pertinent part 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 1.78 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 … § 1.78 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;
>
> (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, a preliminary amendment to the first sentence of the specification, which includes a claim to benefit of the prior-filed application, No. 10/343,209. The petition includes payment of the petition fee, an amendment submitting the omitted material, and the omitted drawings.

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 Initial Patent Examination (OIPE) for according of a filing date of 13 April, 2007, using the application papers received in the Office on that date and the drawings submitted with the present renewed petition, and for indication in the records of the Office that the application contains three (3) sheets of drawings (containing figures 13, 14, 15, 16, and 17.

The application is referred to the Office of Initial Patent Examination for further processing. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Charles A. Pearson
Director, Office of Petitions

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OFFICE OF PETITIONS

JOHN BURTON STEEN
824 CROSSFIRE COURT
MARIETTA, GA 30064

In re Application of :
John Burton Steen :
Application No. 11/786,901 : DECISION ON PETITION
Filed: April 13, 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 October 25, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of 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 3711 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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750 MAIN STREET
SUITE 1400
HARTFORD CT 06103

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OFFICE OF PETITIONS

In re Application of :
Howard A. Fromson :
Application No. 11/786,932 : DECISION ON PETITION
Filed: April 13, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. FRO/210/US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 13, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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 3709 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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PITNEY BOWES INC.
35 WATERVIEW DRIVE
MSC 26-22
SHELTON, CT 06484-3000

Mail Date: 04/20/2010

Applicant	: Theresa L. Bartick	: DECISION ON REQUEST FOR
Patent Number	: 7604230	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/786,935	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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LAW OFFICE OF GEROW BRILL
20 OAKMONT CIRCLE
NEW FREEDOM, PA 17349

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OFFICE OF PETITIONS

In re Application of :
Ronald B. Sherer :
Application No. 11/786,999 : ON PETITION
Filed: April 13, 2007 :
Attorney Docket No. SHERER-5-CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed May 17, 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 18, 2007. A Notice of Abandonment was mailed on January 28, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks item (1), the required reply. Although petitioner submitted replacement drawings, petitioner did not submit the new oath or declaration as specified by the Notice of May 17, 2007. Accordingly, the application cannot be revived until a complete response is filed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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LAW OFFICE OF GEROW BRILL
20 OAKMONT CIRCLE
NEW FREEDOM, PA 17349

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In re Application of :
Ronald B. Sherer :
Application No. 11/786,999 : ON PETITION
Filed: April 13, 2007 :
Attorney Docket No. SHERER-5-CIP :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 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 Corrected Application Papers (Notice), mailed May 17, 2007. A Notice of Abandonment was mailed on January 28, 2008. On September 22, 2008 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed October 8, 2008. In response, on November 3, 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 corrected formal drawings and a new declaration in compliance with 37 CFR 1.67, (2) the petition fee of $770, and (3) an adequate statement of unintentional delay.

Petitioner should note that no further fee is required on a renewed petition under 37 CFR 1.137(b). Therefore, the additional $40 offered with the petition on November 3, 2008 will not be charged to the credit card account as requested.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed November 3, 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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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Kenny C. Gross	: DECISION ON REQUEST FOR
Patent Number	: 7613576	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/787,003	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **211** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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	: Kenny C. Gross	: DECISION ON REQUEST FOR
Patent Number	: 7613580	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/787,027	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

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OFFICE OF PETITIONS

In re Application of :
Wollenberger et al. :
Application No. 11/787,064 : LETTER REGARDING
Filed: April 13, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. USF.T150CXCD1 :

This letter is in response to the "Communication Regarding Correction of Patent Term Adjustment" filed October 26, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants request the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **GRANTED.**

The Office has updated the PALM screen to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 79 days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On October 7, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 180 days.

Applicants indicate the correct patent term adjustment appears to be 79 days. Applicants state the Office should have entered a 33-day reduction for applicant delay in responding to the August 9, 2007 Notice to File Missing Parts of Nonprovisional Application and a 68-day reduction for applicant delay resulting from an Information Disclosure Statement ("IDS") filed May 26, 2009.

A review of the application history reveals that applicants are correct.

37 C.F.R. § 1.704(b) provides for a reduction when a party takes more than 3 months to respond to any notice or action by the Office making any rejection, objection, argument or other request. Specifically, 37 C.F.R. § 1.704(b) states,

> [A]n applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of

> time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

The Office mailed a Notice to File Missing Parts on August 9, 2007. Applicants filed a reply on December 12, 2007. Based on the prior facts, the period of adjustment should have been reduced by 33 days pursuant to 37 C.F.R. § 1.704(b), counting the number of days beginning November 10, 2007, the day after the date three months after the notice was mailed, and ending on December 12, 2007, the date the reply was filed.

Per 37 C.F.R. § 1.704(c)(8), circumstances that will result in a reduction in the period of adjustment include:

> Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

The Office mailed a non-final Office action on December 16, 2008. Applicants filed a reply to the Office action on March 19, 2009. Applicants filed an IDS on May 25, 2009. The IDS was not accompanied by a statement under 37 C.F.R. § 1.704(d) and the record fails to indicate the examiner expressly requested the IDS. Based on the prior facts, the period of adjustment should have been reduced by 68 days pursuant to 37 C.F.R. § 1.704(c)(8), counting the number of days beginning March 20, 2009, the day after the date the reply was filed and ending on May 25, 2009, the date the IDS was filed.

In view of the prior discussion, the Office will enter the following reductions:

(1) A 33-day reduction for delay in filing the December 12, 2007 reply; and
(2) A 68-day reduction as a result of the IDS filed May 26, 2009.

The patent term adjustment at the time of mailing of the notice of allowance is 79 days which is 186 days of Office delay reduced by 107 days (3 + 3 + 33 + 68) 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 under 37 CFR 1.18(e). The Office thanks applicant----s 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 C.F.R. § 1.702(a)(4) and §1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time

of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Monday
Date: 3/22/2010

Time: 14:52:12

PALM INTRANET

PTA Calculations for Application: 11/787064			
Application Filing Date:	04/13/2007	PTO Delay (PTO):	186
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	6
Post-Issue Petitions:	0	Total PTA (days):	79
PTO Delay Adjustment:	-101		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
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57	10/07/2009	MAIL NOTICE OF ALLOWANCE			
56	09/26/2009	ISSUE REVISION COMPLETED			
55	09/26/2009	DOCUMENT VERIFICATION			
54	09/26/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
53	09/26/2009	EXAMINER'S AMENDMENT COMMUNICATION			
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48	09/16/2009	PARALEGAL TD ACCEPTED			
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43	08/12/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
42	07/01/2009	MISCELLANEOUS INCOMING LETTER			
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40	06/05/2009	FINAL REJECTION			
39	05/26/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	06/01/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
36	03/19/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

35	05/26/2009	FILED			
34	03/19/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	03/19/2009	NEW OR ADDITIONAL DRAWING FILED			
32	04/24/2009	DATE FORWARDED TO EXAMINER			
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27	12/16/2008	MAIL NON-FINAL REJECTION	186		-1
26	12/15/2008	NON-FINAL REJECTION			
23	12/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	07/16/2008	CASE DOCKETED TO EXAMINER IN GAU			
21	06/18/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
20	12/19/2007	REFERENCE CAPTURE ON IDS			
19	12/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	12/13/2007	PRELIMINARY AMENDMENT			
17	04/13/2007	PRELIMINARY AMENDMENT			
16	03/27/2008	PG-PUB ISSUE NOTIFICATION			
15	12/31/2007	APPLICATION DISPATCHED FROM OIPE			
14	12/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	12/19/2007	SENT TO CLASSIFICATION CONTRACTOR			
12	12/19/2007	FILING RECEIPT - UPDATED			
11	12/12/2007	ADDITIONAL APPLICATION FILING FEES			
10	12/12/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
9	12/12/2007	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
8	08/09/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
7	08/06/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
6	05/10/2007	CLEARED BY L&R (LARS)			

5	05/10/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
4	05/10/2007	CASE CLASSIFIED BY OIPE			
3	05/09/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	04/13/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	04/16/2007	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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OCT 12 2007

OFFICE OF PETITIONS

In re Application of :
Darrel W. Stafford et al. :
Application No. 11/787,072 :
Filed: April 13, 2007 :
Attorney Docket No. 5470-401IP :

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 September 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, Darrel W. Stafford, 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 1656 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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STEPHEN R. ROBINSON
1121 PENNSYLVANIA
LAWRENCE KS 66044

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SEP 18 2009

OFFICE OF PETITIONS

In re Application of
Dennis A. Higgins
Application No. 11/787,075
Filed: April 13, 2007
Attorney Docket No. 091

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 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 April 30, 2008, 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 $555.00 extension of time fee submitted with the petition on July 8, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund of this fee by writing to the Office of Finance Refund Section. A copy of this decision should accompany the request.

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. The appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the address on the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received. The person signing the request for change of address submitted with the above petition is not an attorney of record in the above application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3723 for appropriate action by the Examiner in the normal course of business on the reply received July 8, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

STEPHEN R. ROBINSON
5005 MCCALL ST.
ROCKVILLE MD 20853

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DEKA RESEARCH AND DEVELOPMENT CORPORATION
c/o WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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OCT 19 2009

OFFICE OF PETITIONS

In re Application of :
N. Christopher Perry et al :
Application No. 11/787,112 : ON PETITION
Filed: April 13, 2007 :
Attorney Docket No. D0570.70046US02- (E79)

This is a decision on the petition, filed October 16, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 30, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2855 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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APR 05 2010

OFFICE OF PETITIONS

RICHARD R. MUCCINO
758 SPRINGFIELD AVENUE
SUMMIT NJ 07901

In re Application of :
CHERUKURI, S. Rao :
Application No. 11/787,115 : DECISION ON PETITION
Filed: April 12, 2007 : TO WITHDRAW
Attorney Docket No. **02325-26088.NP** : 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 11, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Richard Muccino, the sole attorney of record. Richard Muccino has been withdrawn as attorneys or agents of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor S. Rao Cherukuri at the address indicated below. There is an outstanding Office action mailed February 11, 2010 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: **S. RAO CHERUKURI**
CAPRICORN PHARMA
6900 ENGLISH MUFFIN WAY, UNIT A
FREDERICK MD 21703

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MAY 07 2010

OFFICE OF PETITIONS

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 1566

In re Application of	:	
Lang et al.	:	
Application No. 11/787,118	:	ON PETITION
Filed: April 13, 2007	:	
Attorney Docket No. MB 627	:	

This is a decision on the petition under 37 CFR 1.181, filed February 16, 2010, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **GRANTED.**

The above-identified application was held abandoned for failure to timely reply to the non-final Office action mailed June 12, 2009, which set a shortened statutory period for reply of three (3) months. A reply was due on or before September 12, 2009. A Notice of Abandonment was mailed on February 2, 2010.

Petitioner states that the reply was in fact timely filed and was hand delivered to the USPTO. To support this assertion, petitioner has submitted a copy of the previously mailed correspondence, which bears a USPTO date stamp of July 27, 2009.

The reply acknowledged as having been received in the USPTO on July 27, 2009 is not of record in the application file and cannot be located. In view of the evidence submitted with the instant petition, it is concluded that the reply was timely received in the USPTO but was apparently lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee and none has been charged.

This matter is being referred to Technology Center AU 3655 for further examination on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of :
Bawendi et al. :
Application No. 11/787,152 :
Filed: April 13, 2007 :
Attorney Docket No. 0492611-0760/MIT-7699CON :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Brenda Herschbach Jarrell on behalf of all attorneys of record associated with Customer Number 24280. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

Additionally, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Petitioner has not completed the change of correspondence address portion of form PTO/SB/83.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, the above-identified application is expected to issue as Patent No. 7,692,373 on April 6, 2010.

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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CHOATE HALL & STEWART LLP
SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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OFFICE OF PETITIONS

In re Application of :
David A. Scheinberg et al :
Application No. 11/787,237 :
Filed: April 13, 2007 :
Attorney Docket No. 2003080-0246 (SK 1295) :

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 29, 2009.

The request is **APPROVED**.

The request was signed by Brenda Jarrell on behalf of all attorneys of record who are associated with customer No. 63411.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed June 16, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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ALBERT O. COTA
5460 WHITE OAK AVE
SUITE A-331
ENCINO, CA 91316

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OFFICE OF PETITIONS

In re Application of :
Robert S. Kalember et al :
Application No. 11/787,248 : ON PETITION
Filed: April 16, 2007 :
Attorney Docket No. 06PLI1383 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 19, 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 non-final Office action mailed May 1, 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 August 2, 2008.

The extension of time submitted with the petition on November 19, 2008 is not excepted. 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).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3764 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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DRW Sep-07

THOMAS J. SCHAB
LAW OFFICES OF THOMAS J. SCHAB
247 RUTH STREET
CALUMET CITY IL 60409

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OFFICE OF PETITIONS

In re Application of	:	
Olushile Oladapo	:	
Application Number: 11/787284	:	DECISION ON PETITION
Filing Date: 04/16/2007	:	
Attorney Docket Number: 2007-001	:	

This is a decision on the petition, styled under Rule 1.182, filed on 27 July, 2007, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 16 April, 2007, with one (1) sheet of drawings containing Figure 3A as a part of the original disclosure.

The petition is granted.

The application was filed on 16 April, 2007.

Accordingly, on 24 May, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 16 April, 2007, but that Figure 3A described in the specification appeared to have been omitted from the application.

In response, on 27 July, 2007 (certificate of mailing date 23 July, 2007), the present petition and a copy of one (1) sheet of drawings containing Figure 3A were filed. Petitioner argues that one (1) sheet of drawings containing Figure 3A was filed with the other application papers on 16 April, 2007, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "041607" and the above-identified application number, and identifies the application by the inventor's name and invention title, and acknowledges receipt of, *inter alia*,

"Drawings Figs 1,2,3,3A,4 (5 pgs);". Petitioner requests that the application, including one (1) sheet of drawings containing Figure 3A, be accorded a filing date of 16 April, 2007.

A review of the record reveals that four (4) sheets of drawings containing Figures 1, 2, 3, and 4 were received on 16 April, 2007. No sheet of drawings containing Figure 3A is located among the specification pages received on that date. However, the evidence is convincing that the application papers deposited on 16 April, 2007, included one (1) sheet of drawings containing Figure 3A, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 3A, is entitled to a filing date of 16 April, 2007.

The "Notice" mailed on 24 May, 2007, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded as the petition was necessitated by Office error.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 3A described in the specification, supplied on 27 July, 2007, as a part of the original disclosure.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 16 April, 2007, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figure 3A supplied with the present petition, and for an indication in Office records that five (5) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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7801 COMPUTER AVENUE SOUTH
BLOOMINGTON, MN 55435

Mail Date: 04/21/2010

Applicant	: John S. Wright	: DECISION ON REQUEST FOR
Patent Number	: 7571535	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/787,285	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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RICHARD D. CLARKE
LAW OFFICE OF RICHARD D. CLARKE
3755 AVOCADO BLVD., #1000
LA MESA CA 91941-7301

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In re Application of	:	
William C. Knight. SR.	:	
Application No. 11/787,294	:	DECISION ON PETITION
Filed: April 16, 2007	:	
Attorney Docket No. 07-KNI/101	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 7, 2008, to revive the above-identified application.

This application became abandoned for failure to timely pay the publication fees on or before June 30, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed March 28, 2008. Accordingly, the date of abandonment of this application is July 1, 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 publication fee of $300, (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
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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Patent No. : 7,536,984
Inventor(s) : Lou
Issued : May 26, 2009
Title : VARIABLE VALVE ACTUATOR WITH A PNEUMATIC BOOSTER

Docket No. :

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
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-8300
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

RoChaun Johnson

For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **756-1572** or (703) 305-8309

NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MASSACHUSETTS 02210-2604

RMJ

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Stuart D. Frenkel
Frenkel & Associates, P.C.
Suite 330
3975 University Drive
Fairfax VA 22030

In re Application of
YAMAGUCHI et al.
Serial No.: 11/787,312
Filing Date: April 16, 2007
Atty. Docket No.: SDF 07-5
For: INDOLINE COMPOUND AND PROCESS FOR PRODUCING THE SAME

DECISION

Applicants' "Petition under 37 C.F.R. 1.182 Or, Optionally, 37 C.F.R. 1.78(a)(3) " was received on December 02, 2009.

For reasons below, the petition is **DISMISSED**, without prejudice.

A petition fee of $400 is required for a petition under 37 CFR 1.182, while a petition fee of $1410 is required for a petition under 37 CFR 1.78(a)(3). The credit card submitted by applicant on 02 December 2009 did not authorize the USPTO to charge the specified petition fees. In addition, the deposit account indicated in an earlier filed transmittal letter lacks sufficient funds. Accordingly, the petition has not been treated on the merits.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

24 JUN 2010

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Stuart D. Frenkel
Frenkel & Associates, P.C.
Suite 330
3975 University Drive
Fairfax VA 22030

In re Application of
YAMAGUCHI et al.
Serial No.: 11/787,312
Filing Date: April 16, 2007
Atty. Docket No.: SDF 07-5
For: INDOLINE COMPOUND AND PROCESS FOR PRODUCING THE SAME

DECISION

This decision is issued in response to applicant's "Petition under 37 CFR 1.78(c)" to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed international application (PCT/JP2005/019478) set forth in the amendment filed March 24, 2010 and June 4, 2010.

The petition is GRANTED.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those application filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment filed with the previous petition, 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 prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that 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 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed international application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1626 for ~~appropriate action~~ on the ~~amendment submitted March 24, 2010, including consideration by the examiner of the claim for benefit of the prior-filed applications~~.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

for the action as deemed appropriate in light of this decision

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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Ronald H. Roche	: DECISION ON REQUEST FOR
Patent Number	: 7591251	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/787,332	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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KEIJI IIMURA
10-8, AKATSUKA 3 CHOME, ITABASHI-KU
TOKYO 175-0-092 JP JAPAN

COPY MAILED

AUG 2 3 2007

OFFICE OF PETITIONS

In re Application of	:	
IIMURA, Keiji	:	
Application No. 11/787,335	:	DECISION ON PETITION
Filed: April 17, 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 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of inventor Keiji Iimura's passport, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 2879 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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AUG 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Markus Buck et al :
Application No. 11/787,348 : DECISION ON PETITION
Filed: April 16, 2007 : TO WITHDRAW
Attorney Docket No. 11336/1591 (P06032US) : 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 **APPROVED**.

The request was signed by John F. Nethery on behalf of the attorneys / agents who are associated with customer No. 81166.

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: Markus Buck
Lindelestr 9
Biberach, Germany 88400

cc: Robert P. Hart
Harman International Industries, Incorporated
8500 Balboa Boulevard
Northridge, CA 91329

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ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST., SUITE 518
MILWAUKEE, WI 53203

COPY MAILED

JUN 12 2009

OFFICE OF PETITIONS

In re Application of :
George C. HOLTZ :
Application No. 11/787,358 : DECISION ON PETITION
Filed: April 16, 2007 : TO WITHDRAW
Attorney Docket No. HOLTZ-NP-0407 : 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), April 15, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Jill Gilbert Welytok on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence 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: GEORGE HOLTZ
526 W. NATIONAL AVE. #301
MILWAUKEE, WI 53204

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/787,358	04/16/2007	George C. Holtz	HOLTZ-NP-0407

CONFIRMATION NO. 3101

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

Date Mailed: 06/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/15/2009.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/2/09

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction for Appl. No.: 11787383 Patent No.: 7485445 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

ANDREW WANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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JUN 23 2009
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C0/=C

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Commissioner for Patents
PO Box 1450
Alexandria VA 222313-1450

Washington DC June 19th 2009

Certificate
JUN 25 2009
of Correction

OK to enter

Patent number 7,485,445
Filing number: 11/787,383
Inventors: GIDEKEL, Manuel et al.
Assignee: Vitrogen S.A. (Las Condes, Santiago, CL)
Filing date: 04/16/2007
Issue date: 02/03/2009
Title: Plant gene and uses thereof

RE: A Request for a Certificate of Correction

Honorable Commissioner;

The above mentioned US patent lists one of the inventors names incorrectly. The patent lists Gustavo Gabrera as an inventor, but his name should be written Gustavo **Cabrera** with a "C", not with a "G".

A copy of the original declaration is attached herein to show the correct spelling and prove the fact that the mistake was not of applicant's. Accordingly, a Certificate of Correction is respectfully requested for this patent.

DODDS AND ASSOCIATES

By:

Leea Susanne Somersalo
Reg no L0092

OIPE IAP10 JUN 23 2009 PATENT & TRADEMARK OFFICE

PTO/SB/01A (04-07)
Approved for use through 04/30/2007. OMB 0651-0032
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.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	A novel plant gene and uses thereof

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐ The attached application, or

☑ Application No. 11/737383 filed on 4/16/07

☐ As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

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.

All statements made herein of my/our own knowledge are true, all statements made herein 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 are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Claudio Rebeot

Signature: _____ Citizen of: Chile

Inventor two: Gustavo Cabrera

Signature: _____ Citizen of: Chile

☑ Additional inventors or a legal representative are being named on 3 additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

571 270 9990

SPE Art Unit

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EDWARD P. DUTKIEWICZ, P.A.
EDWARD P. DUTKIEWICZ
P.O. BOX 937
DADE CITY, FL 33526

MAILED

MAR 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark F. Pelini	:	
Application No. 11/787,394	:	DECISION ON PETITION
Filed: April 16, 2007	:	
Attorney Docket No. BD112/03	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before February 4, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 4, 2008. Accordingly, the date of abandonment of this application is February 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, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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 571-272-4000.

This application is being referred to Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BUHLER ASSOCIATES/BUHLER, KIRK A.
1101 CALIFORNIA AVENUE, SUITE 208
CORONA, CA 92881

COPY MAILED

MAR 31 2008

In re Application of :
HUFF, Blane :
Application No. 11/787,395 : DECISION ON PETITION
Filed: April 17, 2007 : TO WITHDRAW
Attorney Docket No. **BH01-03U** : 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 3, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **BUHLER ASSOCIATES** has been revoked and re-appointed by the applicant of the patent application on November 26, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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IPHORGAN, LTD.
1130 Lake Cook Road
Suite 240
Buffalo Grove, IL 60089

MAILED

JUN 11 2010

OFFICE OF PETITIONS

In re Application of
Salvador Iturbide Jimenez
Application No. 11/787,402
Filed: April 16, 2007
Attorney Docket No. 2807-00600

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 5, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to IPHORGAN, LTD. has been revoked by the assignee of the patent application on December 9, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CONLEY ROSE, P.C.**
David A. Rose
P.O. Box 3267
Houston, TX 77253-3267

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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.
11/787,433	04/16/2007	Jong-Hyung Kwun	1235-258	3134

7590 12/31/2009

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

EXAMINER	
GHAYOUR, MOHAMMAD H	

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
12/31/2009	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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

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FEB 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Harold Massie and	:	
Kuang Chang	:	
Application No. 11/787,456	:	ON PETITION
Filed: April 16, 2007	:	
Atty Docket No. 065860-5049US	:	

This is in response[1] to the Petition under 37 CFR 1.47(a) filed September 11, 2007 by patent attorney Gary Williams presumably on behalf of an "assignee" of the subject application. However, the petition does not include either a 3.73(b) statement or a declaration executed by the 47(b) applicant.

Pursuant to 37 CFR 3.73(b), a party must be established as the assignee by satisfying the requirements of that subsection, in order to be recognized as an owner or part owner, for purposes of taking action in patent matters before the Office.

§ 3.73 Establishing right of assignee to take action.
(a) The inventor is presumed to be the owner of a patent application, and any patent that may issue therefrom, unless there is an assignment. The original applicant is presumed to be the owner of a trademark application or registration, unless there is an assignment.

(b)(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this

[1] This response to the Notice to File Missing Parts mailed May 11, 2007 was made timely by an accompanied petition and fee for extension of time for response within the second month.

section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or
(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

The action taken by the assignee, and the 37 CFR 3.73(b) submission establishing that the assignee is the appropriate assignee to take such action, can be combined in one paper. The establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted. 37 CFR 3.73(c). If the submission establishing ownership is not present, the action sought to be taken will not be given effect. If the submission establishing ownership is submitted at a later date, that date will be the date of the request for action or the date of the assignee's action taken. See also MPEP 324.

The instant petition was filed by the assignee. The petition does not include a 3.73(b) statement. A 3.73(b) statement including either documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed

assignment) or a statement where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number) must be submitted. (Nor is such evidence present in the record of the application.)

In view thereof, the petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted herein, 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).

It is further noted that no declaration for patent executed by the assignee on behalf of the non-signing inventors was received with the petition (or previously filed in this application). Further, petitioner should take note that acceptance of a declaration under § 1.47(b) requires:

(1) an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64 or 1.175;

(2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64;

(3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(4) the petition fee;

(5) a statement of the last known address of the non-signing inventor;

(6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a

proprietary interest in the subject matter of the invention; and

(7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

Further correspondence with respect to this decision should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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3000 EL CAMINO REAL
PALO ALTO CA 94306

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SEP 12 2008

OFFICE OF PETITIONS

In re Application of :
Harold Massie and :
Kuang Chang :
Application No. 11/787,456 : ON PETITION
Filed: April 16, 2007 :
Atty Docket No. 065860-5049US :

This is a decision on the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a) filed April 17, 2008.

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 C.F.R. §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 C.F.R. § 1.136(a).

The above-identified application was filed on April 16, 2007, with an unexecuted declaration. Accordingly, on May 11, 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).

By decision mailed February 20, 2008, the initial petition filed September 11, 2007 was dismissed. Assignee sought to take

action in this case without filing a 3.73(b) statement. In addition, the petition did not include a declaration for patent executed by the assignee on behalf of the non-signing inventors.

In response, applicants filed the instant petition, made timely by an accompanying extension of time for response within the second month. The petition includes a 3.73(b) statement, and a declaration executed by Richard Francis as Chief Technical Officer who is authorized to act on behalf of the assignee signing on behalf of non-signing inventors Massie and Chang.

Acceptance of a declaration under § 1.47(b) requires:

> (1) an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64 or 1.175;
>
> (2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64;
>
> (3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
>
> (4) the petition fee;
>
> (5) a statement of the last known address of the non-signing inventor;
>
> (6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention; and
>
> (7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

Rule 47(b) applicant has satisfied requirements (4), and (5) above. The initial petition included payment of the petition fee and a statement of the last known addresses of the non-signing

inventors. Requirements (1), (3), (6) and (7) have not fully been satisfied.

With respect to requirement (1), the declaration submitted is not acceptable. The declaration satisfies requirement (2) above. However, the declaration is not in compliance with 37 CFR 1.63, requirement (1) above, and thus, is not acceptable. The declaration does not state the citizenship of the inventors. This rule implements a statutory requirement, 35 U.S.C. 115. As this requirement is statutory, it cannot be waived. The citizenship of each inventor must be provided in the oath or declaration under 37 CFR 1.63 even if this information is provided in the application data sheet It is not sufficient that the citizenship of the inventors was provided on the declaration filed April 16, 2007 as the initial declaration was not executed. Submission of a properly executed declaration including the citizenship of each inventor is required. Applicants are reminded that no alterations can be made to the declaration of record. To correct this deficiency, submission of a newly executed declaration is required.

With respect to requirement (3), by declaration of patent attorney Yalei Sun, and supporting documentary evidence, rule 47(b) applicant has submitted proof that an attempt was made to present the application papers to the non-signing inventors by FedEx delivery. However, the evidence is not clear that the addresses used were accurate for the inventors. For example, the delivery to inventor Massie was signed by "A. Butler" and the delivery to inventor Chang was left without signature. Further, rule 47(b) applicant indicates that their calls to inventor Change went unanswered and the call to inventor Massie indicated that the number is no longer in service. On the facts presented, the evidence is not adequate to show that the inventors failure to respond constitutes a refusal. Rule 47(b) applicant needs to submit proof that diligent efforts were made to reach or find the inventors to have them join in the application. The steps taken to locate the whereabouts of the nonsigning inventor should be included in a statement of facts by a person with firsthand knowledge. It is important that the statement contain facts as opposed to conclusions. 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.

With respect to requirement (6), Rule 47 applicant has attempted to make out a *prima facie* case of proprietary interest with the submission of an agreement to assign in the form of an employment agreement. A declaration by Gloria Hui, Human Resources manager, attests to the contents of the employment agreement. Further, attorney Sun declares that the subject matter of the present invention was conceived and developed by inventors Massie and Chang while employed by the assignee. However, it is noted that attorney Sun states "upon information and belief" the subject matter of the present invention was conceived and developed by the inventors. The rule requires that to make out a *prima facie* case of proprietary interest a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant is required. As such, attorney Sun needs to clarify that his statement is based on firsthand knowledge or provide a statement from a person with firsthand knowledge.

With respect to requirement (7), the petitions filed September 11, 2007 and April 17, 2008 have been carefully reviewed and it is determined that applicant has not met this requirement. As stated in MPEP 409.03(g), irreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage. On renewed petition, rule 47 applicant must make such a statement.

Further correspondence with respect to this decision should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Harold Massie and	:	
Kuang Chang	:	DECISION ACCORDING STATUS
Application No. 11/787,456	:	UNDER 37 CFR 1.47(a)
Filed: April 16, 2007	:	
Atty Docket No. 065860-5049US	:	

This is a decision on the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a) filed December 10, 2008.

The petition is **GRANTED**.

The above-identified application was filed on April 16, 2007, with an unexecuted declaration. In response to the "Notice to File Missing Parts of Application" mailed May 11, 2007, applicants filed the initial petition under 37 CFR 1.47(b).

By decision mailed February 20, 2008, the initial petition filed September 11, 2007 was dismissed. Assignee sought to take action in this case without filing a 3.73(b) statement. In addition, the petition did not include a declaration for patent executed by the assignee on behalf of the non-signing inventors.

By decision mailed September 12, 2008, the renewed petition under 37 CFR 1.47(b) filed April 17, 2008 was dismissed. Among other things, applicants did not submit adequate proof that the inventors could not be found or reached after diligent effort to join in the application.

In response, applicants undertook further efforts to locate the inventors and successfully found the location of both inventors. The petition includes a statement of the last known addresses of

the inventors, as ascertained through these efforts. Further, applicants obtained an executed declaration signed by inventor Massie on behalf of himself and on behalf of non-signing inventor Chang. As such, the instant petition is properly treated under 37 CFR 1.47(a), not 1.47(b). Accordingly, many of the deficiencies in complying with 37 CFR 1.47(b) previously noted are not relevant. Furthermore, the petition includes adequate proof that a *bona fide* attempt was made to present inventor Chang with the application papers; however, the mail delivery was refused.

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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KUANG MING DANIEL CHANG
40362 Loro Place
Fremont, CA 94539

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Harold Massie and :
Kuang Chang : LETTER
Application No. 11/787,456 :
Filed: April 16, 2007 :
Atty Docket No. 065860-5049US :

Dear Mr. Chang:

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

MORGAN, LEWIS & BOCKIUS, LLP.
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PALO ALTO CA 94306

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SACRAMENTO CA 95814

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APR 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Harvey et al.	:	
Application Number: 11/787477	:	DECISION ON PETITION
Filing Date: 04/16/2007	:	
Attorney Docket Number:	:	
8568/15430	:	

This is a decision on the petition filed on March 17, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.182, also filed on March 17, 2009, for expedited consideration of the petition under 37 CFR 1.137(b).

The petitions are **GRANTED**.

The application became abandoned on September 26, 2008, for failure to timely submit a proper reply to the final Office action mailed on June 25, 2008, which set a three (3)-month shortened statutory period for reply. No extensions of the time

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on March 9, 2009.

The subject petition is accompanied by a request for continued examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

The petition fees and RCE fee will be charged to counsel's deposit account, as authorized in the fee transmittal filed with the subject petition.

The application is being referred to Technology Center Art Unit 1624 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

Mail Date: 04/21/2010

Applicant	: Simpa Baiye	: DECISION ON REQUEST FOR
Patent Number	: 7660757	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/787,493	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **52** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

William C. Fuess
10951 Sorrento Valley Road 2G
San Diego CA 92121

In re Application of :
Linke, et al. :
Application No.: 11/787,518 : ON PETITION
Filed: April 17, 2007 :
Attorney Docket No: PS0023P :

This is in response to the petition under 37 CFR 1.137(b) filed October 23, 2008

The petition under 37 CFR 1.137(b) is **granted**.

On May 15, 2007to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). A proper response was not received within the allowable period, and the application became abandoned on July 16, 2007. A Notice of Abandonment was mailed on November 17, 2008.

The replacement drawings and declaration are noted as being received on October 23, 2008.

This application is being forwarded to the Office of Patent Application Processing for further review.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FOX ROTHSCHILD LLP
100 PARK AVENUE
SUITE 1500
NEW YORK NY 10017

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of :
SANDEEP BHANOTE :
Application No. 11/787,538 : DECISION ON PETITION
Filed: 04/17/2007 :
Attorney Docket No. 28122-00001 :

This is a decision on the petition filed July 12, 2007, requesting that the application be accorded a filing date of April 17, 2007, with Figures 19 and 20 as part of the original disclosure.

On April 17, 2007, applicant filed the above-identified application. However, on May 17, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice of Missing Parts"), stating that the application had been accorded a filing date of April 17, 2007, and advising applicant that Figures 19 and 20 appeared to have been omitted. Additionally, the Notice required the submission of an executed oath or declaration, a surcharge, and replacement drawings.

In response, on July 12, 2007, applicant submitted the present petition, 2 sheet(s) of drawings as originally filed (Figures 19 and 20), 8 sheets of replacement drawings, a declaration, power of attorney, a petition fee, and a surcharge. Additionally, applicant submitted a copy of applicant's returned, date-stamped postcard receipt acknowledging receipt of 25 sheet(s) of drawings in the USPTO on April 17, 2007.

Upon review of the record, Figures 19 and 20, deposited on April 17, 2007, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 17, 2007, included Figures 19 and 20, which were subsequently misplaced in the USPTO. Therefore, the application, including Figures 19 and 20, was complete on filing and will be granted a filing date of April 17, 2007.

Accordingly, the petition is **granted**.

The requirement for Figures 19 and 20 set forth in the Notice of Missing Parts was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary. The $400.00 petition fee will be refunded to the Deposit Account.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of April 17, 2007,** using the 23 sheets of drawings submitted on that date, and Figures 19 and 20 submitted with the petition on July 12, 2007, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 05/06/2010

Applicant	: Tsutomu Sawada	: DECISION ON REQUEST FOR
Patent Number	: 7627539	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/787,548	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/17/2007	: 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.

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

3-25-8

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 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	11/787,578	Confirmation Number	4208	Filing Date	2007-04-17
Attorney Docket Number (optional)	MOI 296	Art Unit	3746	Examiner	TBD
First Named Inventor	William C. Pfefferle				
Title of Invention	Method for Improved Efficiency for IGCC				

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

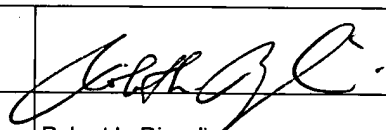
Given Name	Middle Name	Family Name	Suffix
William	C.	Pfefferle	Jr.

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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P.O. Box 1450
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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

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NOV 10 2008

In re Application of :
ZHENG, Yu :
Application No. 11/787,597 : DECISION ON PETITION
Filed: April 17, 2007 : TO WITHDRAW
Attorney Docket No. **44435-0008** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 27, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Steven A. Moore does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PATENT CATGORY CORPORATION**
ATTN: THOMAS DOVER
368 S. CHERYL LANE
INDUSTRY CA 91789

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OFFICE OF PETITIONS

MICHAUD-Kinney Group LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN CT 06457

In re Application of	:	
Max Arthur Lembke et al.	:	
Application No. 11/787,610	:	DECISION ON PETITION
Filed: April 16, 2007	:	
Attorney Docket No. 6579-0068-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 27, 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 September 28, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 26, 2009. Accordingly, the date of abandonment of this application is September 29, 2009. A Notice of Abandonment was mailed on October 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

The Office requires that a registration number be provided along with a signature of an attorney or agent, which was missing from the petition. However, the registration number was noted on the transmittal letter filed along with the petition. Petitioner should take note of this for future correspondence submitted to 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.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Timothy A. Johnson
10 Leighton Road
Milford, CT 06460

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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DICKINSON WRIGHT, PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970

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NOV 07 2007

OFFICE OF PETITIONS

In re Application of

Maryann Blair
Application No. 11/787,616
Filed: April 17, 2007
Attorney Docket No. 35572-00001

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 October 10, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 3611 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of

Rong-Chang Liang, Jerry Chung and David Chen

Application No.11/787,655

Filed: April 16, 2007

Attorney Docket No. 07783.0019.CPUS06

Title of Invention: Electrophoretic Display with Dual Mode Switching

DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed July 13, 2007.

The petition is GRANTED.

Petitioner has shown that non-signing inventors Liang and Chung have refused to join in the filing of the above-identified application. Petitioner has provided evidence that both Liang and Chung expressly stated that the application papers should not be sent. Further both non-signing inventors have expressly refused 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*.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the

undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jerry Chung
100 Montelena Court
Mountain View, CA 94040

In re Application of
Rong-Chang Liang, Jerry Chung and David Chen
Application No.11/787,655
Filed: April 16, 2007
Attorney Docket No. 07783.0019.CPUS06
Title of Invention: Electrophoretic Display with Dual Mode Switching

: LETTER

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AUG 20 2007

OFFICE OF PETITIONS

Dear Mr. Chung :

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
Petitions Attorney
Office of Petitions

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924
ATTN: Viola T. Kung

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Rong-Chang Liang
875 Brent Drive
Cupertino, CA 95014

In re Application of
Rong-Chang Liang, Jerry Chung and David Chen
Application No.11/787,655
Filed: April 16, 2007
Attorney Docket No. 07783.0019.CPUS06
Title of Invention: Electrophoretic Display with Dual Mode Switching

: LETTER

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AUG 2 0 2007

OFFICE OF PETITIONS

Dear Mr. Liang :

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
Petitions Attorney
Office of Petitions

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924
ATTN: Viola T. Kung

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

RECEIVED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Rong-Chang Liang, et al.	:	
Application No. 11/787,655	:	DECISION GRANTING PETITION
Filed: April 16, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07783.0019.CPUS06	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 15, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 21, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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United States Patent and Trademark Office
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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Kenny C. Gross	: DECISION ON REQUEST FOR
Patent Number	: 7668696	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/787,719	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **165** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 05/18/2010

Applicant : Kenny C. Gross
Patent Number : 7668696
Issue Date : 02/23/2010
Application No: 11/787,719
Filed : 04/16/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **194** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

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JAN 2 1 2009

In re Application of	:	
KING, Martin P.	:	
Application No. 11/787,720	:	DECISION ON PETITION
Filed: April 17, 2007	:	TO WITHDRAW
Attorney Docket No. **22788.44730**	:	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 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 John M. Skeriotis on behalf of all attorneys of record who are associated with customer No. 26781. 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: **MARTIN P. KING**
P.O. BOX 1120
DIAMOND SPRINGS, CA 95619

cc: **EMERSON, THOMSON & BENNETT**
777 WEST MARKET STREET
AKRON, OHIO 44303

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MAY 19 2009

OFFICE OF PETITIONS

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABOY ROAD ANNEX
DERRY, NH 03038

In re Application of :
Nancy-Jane Sweeney :
Application No. 11/787,729 : ON PETITION
Filed: April 17, 2007 :
Attorney Docket No. Sweeney-001 :

This is a decision in response to the petition, filed March 27, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 21, 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) was obtained. Accordingly, the application became abandoned on November 22, 2008. A Notice of Abandonment was mailed on March 4, 2009. In response, on March 27, 2009, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the response filed March 27, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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INFINERA CORPORATION
1322 BORDEAUX DRIVE
SUNNYVALE CA 94089

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FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Brent Everett Little	:	
Application No. 11/787,795	:	DECISION ON PETITION
Filed: April 18, 2007	:	
Attorney Docket No. P118.D1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 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 December 17, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 17, 2008. Accordingly, the date of abandonment of this application is December 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of 300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
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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SEP 12 2007

OFFICE OF PETITIONS

WILLIAM S FROMMER ESQ
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK NY 10151

In re Application of :
Shinichi Moriyama, Masaharu Tomura : DECISION ACCORDING STATUS
Application No. 11/787,799 : UNDER 37 CFR 1.47(a)
Filed: April 18, 2007 :
Attorney Docket No. 450100-05960 :

This is in response to the petition under 37 CFR 1.47(a), filed August 13, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that inventor Moriyama has refused to sign the oath or declaration after having been presented with the application papers. Specifically, Moriyama made an oral refusal to sign the declaration.

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.

Effective December 8, 2004, the fee for a petition under 37 CFR 1.47 was increased from $130 to $200. Accordingly, $200 has been charged to Deposit Account No. 50-0320, as authorized.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHINICHI MORIYAMA
602 AMENITY-HIGASHICHO
5-12 HIGASHI-CHO
ATSUGHI-SHI
KANAGAWA
JAPAN

COPY MAILED

SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Shinichi Moriyama, Masaharu Tomura :
Application No. 11/787,799 :
Filed: April 18, 2007 :
Title: Imaging Apparatus and Method of Processing Image Signal : LETTER

Dear Mr. Moriyama:

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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JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

MAILED

APR 13 2009

OFFICE OF PETITIONS

In re Application of :
Edward Shade :
Application No. 11/787,809 : ON PETITION
Filed: April 18, 2007 :
Attorney Docket No. ES 07023 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 19, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed October 18, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on January 19, 2009. The Office mailed a Notice of Abandonment on April 22, 2008.

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 an Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $555 extension of time fee submitted with the petition on March 19, 2008 was subsequent to the maximum period obtainable for reply (April 18, 2008), this fee will be refunded to petitioner under separate cover.

The application is being forwarded to Group Art Unit 3754 for consideration of the Amendment filed March 19, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions