UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MAILED

FEB 18 2010

OFFICE OF PETITIONS

GLEN E WYATT SR
533 TEMPLE WAY
VALLEJO CA 94591

In re Application of :
Glen Earl Wyatt, Sr. :
Application No. 11/787,817 : ON PETITION
Filed: April 18, 2007 :
Title: Bolt and Screw Holding Tool :
to Aide in Assembly or Disassembly
Process

This is a decision on the petition to revive an unavoidably application under 37 CFR 1.137(a), filed December 3, 2009, which is being treated as a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), as petitioner paid the unintentional petition fee.

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)." No fee is required for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely pay the required issue fee as required in the Notice of Allowance and failure to timely file corrected drawings as required in the Notice of Allowability, both mailed August 8,

2008. Both notices set a statutory period of three months from the mailing date of each notice for fee transmittal and for submitting formal drawings. The three month period for reply was not extendable. No issue fee having been received and no corrected drawings having been filed, the application became abandoned on November 9, 2008. The Office mailed a Notice of Abandonment on December 3, 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). The instant petition lacks item (1), the required reply.

The Notice of Allowance and the Notice of Allowability set forth concurrent but distinct requirements with which applicants are required to comply. Although applicant has paid the issue fee, **applicant has failed to file corrected drawings** as required by the Notice of Allowability.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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GLEN E WYATT SR
533 TEMPLE WAY
VALLEJO CA 94591

MAILED

APR 14 2010

OFFICE OF PETITIONS

In re Application of :
Glen Earl Wyatt, Sr. :
Application No. 11/787,817 : ON PETITION
Filed: April 18, 2007 :
Title: Bolt and Screw Holding Tool to Aide in Assembly or Disassembly Process :

This is a decision on the renewed petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed March 22, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the required issue fee as required in the Notice of Allowance and failure to timely file corrected drawings as required in the Notice of Allowability, both mailed August 8, 2008. Both notices set a statutory period of three months from the mailing date of each notice for fee transmittal and for submitting formal drawings. The three month period for reply was not extendable. No issue fee having been received and no corrected drawings having been filed, the application became abandoned on November 9, 2008. The Office mailed a Notice of Abandonment on December 3, 2008. Applicant filed a petition to revive under 37 CFR 1.137(b) on December 3, 2009. However, the petition was dismissed in a decision mailed on February 18, 2010. The petition was dismissed because while Applicant paid the issue fee, Applicant did not submit corrected drawings.

With the instant renewed petition, petitioner has submitted corrected drawings. The other requirements for a grantable petition have been previously satisfied.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
(FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM)
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111-2950

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NOV 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Christopher T. Zirps, et al.	:	
Application No. 11/787,850	:	DECISION ON PETITION
Filed: April 18, 2007	:	TO WITHDRAW
Attorney Docket No. B0188.70213US02	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 11, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Kirkpatrick & Lockhart Preston Gates Ellis LLP has been revoked by the assignee of the patent application on October 19, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JASON M. HONEYMAN
WOLF, GREENFIELD & SACKS, PC
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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CHOATE, HALL & STEWART LLP/WYETH LLC
PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of :

Alexander V. Gontcharov et al. :
Application No. 11/787,860 : DECISION ON PETITION
Filed: April 19, 2007 : TO WITHDRAW
Attorney Docket No. **2004658-0834 (AM102332)** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 20, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 24280 has been revoked by the assignee of the patent application on November 19, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

It is noted that the Revocation of Power of Attorney and the assignee's statement under 37 CFR 3.73(b) list the assignee as "Wyeth LLC". However, the U.S. Patent and Trademark Office assignment records disclose that an assignment from Reel/Frame: 019686/0218 recorded on August 13, 2007, shows the name as "Wyeth" not "Wyeth LLC". Therefore, the Office will construe the name "Wyeth LLC" as the assignee of record. If this is not correct petitioner must notify the Office.

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

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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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ALBERTO A. LEON, ESQ.
P.O. BOX 30684
ALBUQUERQUE, NM 87124

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of
Patrick SCHMITT
Application No. 11/787,872
Filed: April 17, 2007
Attorney Docket No. **50256**

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 13, 2009.

The request is **APPROVED**.

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

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

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed January 26, 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: **PATRICK SCHMITT**
5350 MURRAY HILL COURT
SIERRA VISTA, AZ 85635

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDWARD P . DUTKIEWICZ, ESQ.
EDWARD P. DUTKIEWICA, P.A.
640 DOUGLAS AVENUE
DUNEDIN, FL 34698-7001

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of :
Donald E. FRANK :
Application No. 11/787,898 : DECISION ON PETITION
Filed: April 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 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 a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred to the Office Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

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

April Wise
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica CA 90401-4110

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of :
Lewis S. Coleman :
Application No. 11/787,900 : ON PETITION
Filed: April 18, 2007 :
Attorney Docket No. 07-18948 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 23, 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 reply within the meaning of 37 CFR 1.113 to the final Office action, mailed January 7, 2009, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 8, 2009. The Notice of Abandonment was mailed September 4, 2009.

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

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). The amendment filed herewith petition ***does not*** prima facie place the application in condition for allowance.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: Examiner's Advisory Action PTOL-303

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/787,900	**Applicant(s)** COLEMAN, LEWIS S.	
	Examiner HOPE A. ROBINSON	**Art Unit** 1652	

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

THE REPLY FILED 23 September 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 6 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 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: _____.
   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: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Hope A. Robinson/
Primary Examiner, Art Unit 1652

PAGE 4/5 * RCVD AT 11/6/2009 10:18:23 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/20 * DNIS:2732991 * CSID: * DURATION (mm-ss):02-08

Continuation Sheet (PTO-303)

Application No. 11/787,900

Continuation of 11. does NOT place the application in condition for allowance because: The amendment filed on September 23, 2009 does not place the application in condition for allowance as the amendatory language raises new issues that would require further consideration under, for example, 35 USC 112, second paragraph.

PAGE 5/5 * RCVD AT 11/6/2009 10:18:23 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/20 * DNIS:2732991 * CSID: * DURATION (mm-ss):02-08

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1333 2nd Street
Suite #500
Santa Monica CA 90401-4110

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DEC **3 1** 2009

OFFICE OF PETITIONS

In re Application of	:	
Lewis S. Coleman	:	
Application No. 11/787,900	:	ON PETITION
Filed: April 18, 2007	:	
Attorney Docket No. 07-18948	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 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 7, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is July 8, 2009. The Notice of Abandonment was mailed September 4, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 1652 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Terri Johnson
Petitions Examiner
Office of Petitions

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James P. Broder
Roeder & Broder LLP
9915 Mira Mesa Blvd. Suite 300
San Diego CA 92131

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SEP 23 2008

In re Application of :
Barter :
Application No. 11/787,916 : DECISION ON PETITION
Filed: April 18, 2007 :
Attorney Docket No. 30049.01 :

This is a decision on the petition under 37 CFR 1.182, filed June 26, 2008, to correct the name of the sole inventor.

The petition is **GRANTED**.

The sole inventor will be changed from "Donald R. Barter" to "Leland L. Barter". It is noted that Leland L. Barter was the name that was signed on the original declaration filed on April 18, 2007. A replacement filing receipt reflecting this change is enclosed.

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

The matter is being referred to Technology Center A.U. 3732 for examination in due course.

Shirene Willis Brantley.
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Replacement Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/787,916	04/18/2007	3732	565	30049.01	8	1

CONFIRMATION NO. 3344

REPLACEMENT FILING RECEIPT

66943
James P. Broder
Roeder & Broder LLP
9915 Mira Mesa Blvd. Suite 300
San Diego, CA 92131

OC00000031993157

Date Mailed: 09/10/2008

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

Applicant(s)

Leland L. Barter, Hemet, CA;

Power of Attorney: The patent practitioners associated with Customer Number 66943

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/794,386 04/24/2006

Foreign Applications

If Required, Foreign Filing License Granted: 05/09/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/787,916**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
** SMALL ENTITY **

Title

Crown molding hanger aid

Preliminary Class

433

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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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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JAN 13 2010

In re Application of :
Qing Yu et al. :
Application No. 11/787,929 :
Filed: April 18, 2007 :
Attorney Docket No. 2004658-0835 :
(AM102351)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 20, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

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

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

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Qing Yu et al. :
Application No. 11/787,929 :
Filed: April 18, 2007 :
Attorney Docket No. 2004658-0835 :
(AM102351)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 12, 2010.

The request is **NOT APPROVED**.

The request still cannot be approved because assignee address has not established ownership by filing a statement under 37 CFR 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee. Therefore, the change of correspondence address is still considered improper.

As stated in the previous decision mailed January 13, 2010, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Levisohn Berger LLP
19th Floor
805 Third Avenue
New York NY 10022

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DEC 29 2008

OFFICE OF PETITIONS

In re Application of
Jonathan Gustave et al.
Application No. 11/787,935
Filed: April 18, 2007
Attorney Docket No. 1666.020

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed October 7, 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 applications filed in an eighteen-month publication country on January 25, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application(s) in an eighteen-month publication country.

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

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 26, 2009 accompanies this decision on petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forwarded to Technology Center Art Unit 3696 for examination in due course.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Tuva Rotberg
Levisohn Berger, LLP
61 Broadway, 32nd Floor
New York, NY 10008

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/787,935	04/18/2007	Jonathan Gustave	1666.020

CONFIRMATION NO. 4684

Levisohn Berger LLP
19th Floor
805 Third Avenue
New York, NY 10022

NONPUBLICATION RESCISSION LETTER

OC000000033710404

Date Mailed: 12/19/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 03/26/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jlburke/

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

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OFFICE OF PETITIONS

LEVISOHN, BERGER, LLP
11 BROADWAY, SUITE 615
NEW YORK, NY 10004

In re Application of :
Jonathan GUSTAVE, et al :
Application No. 11/787,935 : DECISION ON PETITION
Filed: April 18, 2007 :
Attorney Docket No. 1666.020 :

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 Restriction Requirement, mailed July 10, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 11, 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 election, (2) the petition fee of $810; and (3) the required statement of unintentional delay.

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

This application is being referred to Technology Center AU 3696 for appropriate action by the Examiner in the normal course of business on the reply received June 30, 2009.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,949	04/19/2007	Wayne M. Torcivia		4688

7590 02/06/2009

MR. WAYNE M. TORCIVIA
60 CREIGHTON AVE.
RONKONKOMA, NY 11779

EXAMINER	
WARD, JOHN A	

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
02/06/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Mr. Wayne M. Torcivia
60 Creighton Ave.
Ronkonkoma, NY 11779

In re Application of:	:	
TORCIVIA et al.	:	**DECISION ON PETITION**
Application Serial No.: 11/787,949	:	**TO CORRECT**
Filed: April 19, 2007	:	**INVENTORSHIP**
For: Transportation system and method or methods for the restoration, re-manufacturing and re-conditioning or any combination thereof, of a vehicle headlight fixture or headlight fixture lens or any combination thereof	:	***37 CFR § 1.48 (a)***

This is a decision on the petition under 37 C.F.R. § 1.48 (a) filed January 13, 2009 and July 31, 2008 to correct Inventorship in the above-identified Patent Application.

The instant application was filed April 19, 2007 listing Wayne M. Torcivia and Leonardo A. Santana as the only inventors. Petition requests that the above-identified application amend the inventorship to delete the following inventor, which was unintentionally included.

Leonardo A. Santana (deleted)

Based on the filed record as a whole and the facts as set forth and in the petition, the error in inventorship occurred without deceptive intent and was diligently corrected.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the technical support staff for the name correction, and will then be returned to the examiner to continue the examining process.

Jong-Suk (James) Lee
Supervisory Patent Examiner
Art Unit 2885

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEWIS, BRISBOIS, BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET
SUITE 1200
LOS ANGELES CA 90012

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Shiaw-JY HUITRIC	:	
Application No. 11/787,959	:	DECISION ON PETITION
Filed: April 18, 2007	:	
Attorney Docket No. 27630-6	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 08, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed May 13, 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. 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). Since the amendment submitted does not *prima facie* place the application in condition for allowance, 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). Accordingly, the application became abandoned on August 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 a Request for Continued Examination (RCE) and fee of $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement

of unintentional delay. Accordingly, the reply to the final Office action of May 13, 2009 is accepted as having been 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 1797 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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IVAN MESZLENYI
20 Garnett Janes Road
Suite 908
TORONTO ON M8V 3Z1
CANADA

MAILED

JUN 3 0 2010

OFFICE OF PETITIONS

In re Application of :
IVAN MESZLENYI :
Application No. 11/787,961 : DECISION ON PETITION
Filed: 04/19/2007 :
Title: MULTI-MHZ POWER CONVERTER :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 23, 2010.

On January 28, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application which set a two-month period to reply to avoid abandonment. Extensions of the period for response were available under 37 CFR 1.136(a). Accordingly, petitioner was required to submit a reply on or before March 28, 2008 (or on or before August 28, 2008, with an appropriate request for extension of time for response and fee).

On August 14, 2008, petitioner filed a response to the Notice to File Missing Parts; however, he did not submit a request for an extension of time for response within the fifth month accompanied by the required extension of time fee. Although petitioner filed a proper reply to the Notice to File Missing Parts, it was untimely because it was received after March 28, 2008, without a request for an extension of time for response and the extension of time fee. Accordingly, the application became abandoned by statute on March 29, 2008. The Office mailed a Notice of Abandonment on February 13, 2009.

While the Office attempts to notify an applicant of any deficiency in the reply in a manner permitting a timely correction, the Office is under no obligation to do such. 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). An applicant is ultimately responsible for ensuring that a properly and timely reply is filed.

Petitioner asserts that he did not receive the Notice of Abandonment because the Office did not enter his change of correspondence address filed on February 6, 2009. Initially, the Office notes that the application did not become abandoned due to non-receipt of the Notice of Abandonment. Rather, the application is abandoned by statute for failure to file a timely response within the two-month period set in the Notice to File Missing Parts. Moreover, the Office has no record of receiving a request for a change of correspondence address dated February 6, 2009, nor has petitioner provided any proof in support of his assertion. Rather, the showing of record is that petitioner did not submit a reply within the two-month period set forth in the Notice to File Missing Parts in order to avoid abandonment of the application. Accordingly, the application was properly held abandoned.

The petition to withdraw the holding of abandonment is **dismissed**. Any request for reconsideration must be submitted within two (2) months of the date of this decision. This time period may not be extended. See 37 CFR 1.181(f).

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b). The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). 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) (currently $810.00); 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 was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A copy of the appropriate form accompanies this decision.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure (1)

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FAIRFIELD CT 06824

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JAN 23 2008

OFFICE OF PETITIONS

In re Application of	:
Bufano, Gilchrist, Fosnight,	: DECISION ACCORDING STATUS
Hofmeister, Babbs, and May	: UNDER 37 CFR 1.47(a)
Application Number: 11/787981	:
Filing Date: 04/18/2007	:
Attorney Docket Number:	:
390P012404-US(I01)	:

This is in response to the petition under 37 CFR 1.47(a) filed on December 18, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Michael L. Bufano, has refused to sign and return the declaration after having been sent a copy of the application. Specifically, petitioners have shown that a copy of the application papers were sent to the non-signing inventor, but that the non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with Ulysses Gilchrist, William Fosnight, Christopher Hofmeister, Daniel Babbs, and Robert C. May.

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*.

It is noted that petitioners state that a petition fee of $130.00 is enclosed. The fee for a petition under 37 CFR 1.47(a) is currently $200.00. The balance due will be charged to counsel's deposit account, as authorized in the petition.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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DIW Jan-08

Michael L. Bufano
24 Springfield Street
Belmont MA 02478

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JAN 23 2008

OFFICE OF PETITIONS

In re Application of
Bufano et al.
Application No. 11/787,981
Filed: 04/18/2007
For: REDUCED CAPACITY CARRIER, TRANSPORT, LOAD PORT, BUFFER SYSTEM

Dear Mr. Bufano:

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

PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD CT 06824

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 06/21/2010

Applicant	: Yuchun Eugene Wang	: DECISION ON REQUEST FOR
Patent Number	: 7653258	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/787,986	: 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 **453** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,998	04/18/2007	Sean Michael Kelly	89190.407606/DP-315310	4646

7590 02/12/2010

Paul L. Marshall, Esq.
Delphi Technologies, Inc.
Mail Code 480410202
P.O. Box 5052
Troy, MI 48007

EXAMINER	
HODGE, ROBERT W	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/12/2010	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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Paul L. Marshall, Esq.
Delphi Technologies, Inc.
Mail Code 480410202
P.O. Box 5052
Troy MI 48007

FEB 12 2010

In re Application of	:	
Kelly et al.	:	DECISION ON PETITION
Application No. 11/787,998	:	TO MAKE SPECIAL UNDER
Filed: 4/18/2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. **89190.407606/DP-315310**	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

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

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

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

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

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

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Carl J. Stella
134 Palm Crest Lane
Davenport FL 33837

MAILED

APR 27 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Stella
Application No. 11/788,019
Filed: April 7, 2008
Attorney Docket No. N/A
For: FINS TO CONTROL ANGULAR TRAVEL OF SAILBOATS AND WAKE CONTROL

This is a decision on the petition, filed March 23, 2009 and supplemented on March 27, 2009, April 7, 2009 and April 14, 2009, under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to timely submit a reply within one month of the mailing of the August 11, 2008 Notice of Non-Compliant Amendment (Notice). No response or extension of time under 37 CFR 1.136(a) being received, this application became abandoned on September 12, 2008. A Notice of Abandonment was mailed on March 10, 2009.

Petitioner asserts a reply was filed via facsimile transmission on November 6, 2008. The Office has no record of receiving the reply.

Under 37 CFR 1.8(b), correspondence is considered timely filed if petitioner: supplies (1) a copy of the previously transmitted correspondence with a signed certificate of transmission affixed thereto; (2) a statement which attests on a personal knowledge basis to the previous timely transmission; (3) a copy of the sending unit's report confirming transmission may be used to support this statement. (4) Furthermore, under 37 CFR 1.8(c), the Office may require additional evidence to determine if the correspondence was timely filed.

A review of the correspondence allegedly successfully transmitted to the Office on November 6, 2008 reveals that there is no certificate of transmission affixed to the correspondence. Even if

petitioner had complied with 37 CFR 1.8(b), petitioner still would not prevail under 37 CFR 1.181 because a reply was due by September 11, 2008.

Petitioner asserts that a paper was faxed to the Office in October 2008 requesting an extension of time. However, the Office has no record of receiving the paper and a review of a copy of the papers reveals that petitioner did not utilize certificate of facsimile transmission practice. Even if we had received it, a petition for an extension of time must be accompanied by the required fee. Merely requesting an extension of time is not possible. It must be purchased and the fee may not be waived.

The fact remains that the Office did not receive a proper reply until March 23, 2009 and the reply was not timely filed.

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

Petitioner should consider filing a petition to revive under the unintentional delay standard of 37 CFR 1.137(b). Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

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).

For petitioner's convenience, a blank PTO/SB/64 -- Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) -- is enclosed. The petition fee is $810.00.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: blank PTO/SB/64 -- Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)

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United States Patent and Trademark Office
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AUG 06 2009

OFFICE OF PETITIONS

HARMAN – BRINKS HOFER CHICAGO
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

In re Application of
Tim Haulick et al
Application No. 11/788,069
Filed: April 18, 2007
Attorney Docket No. 11336/1592 (P06098US)

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 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: Tim Haulick
In den Schlosswiesen 14
Blaubeuren, Germany 89143

cc: Robert P. Hart
Harman International Industries, Incorporated
8500 Balboa Boulevard
Northridge, CA 91329

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

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APR 09 2010

OFFICE OF PETITIONS

In re Application of :
Richard Ian Olsen, et al. :
Application No. 11/788,120 : DECISION ON PETITION
Filed: April 19, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 088245-6121 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 18, 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 April M. Wise at (571) 272-1642. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2878 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.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/788,120	04/19/2007	2878	1370	088245-6121	33	2

CONFIRMATION NO. 5099

CORRECTED FILING RECEIPT

23524
FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

Date Mailed: 03/30/2010

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)

Richard Ian Olsen, Irvine, CA;
Darryl L. Sato, Irvine, CA;
Feng-Qing Sun, Irvine, CA;

Power of Attorney: The patent practitioners associated with Customer Number 23524

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/795,450 04/26/2006
and is a CIP of 11/212,803 08/25/2005 ABN
which claims benefit of 60/695,946 07/01/2005
and claims benefit of 60/604,854 08/25/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/15/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/788,120**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SOLID STATE CAMERA OPTICS FRAME AND ASSEMBLY FOR MULTIPLE IMAGING CHANNELS WITHIN THE VISIBLE SPECTRUM

Preliminary Class

250

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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SILBER & FRIDMAN
1037 ROUTE 46 EAST
SUITE 207
CLIFTON NJ 07013

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of :
Pingin, et al. :
Filed: April 18, 2007 : ON PETITION
Application No. 11/788,125 :
Atty. Dkt. No.: F0716 :

This decision is in response to the petition filed July 12, 2007 to accord the above-identified application a filing date of April 18, 2007.

The application was filed April 18, 2007. The Notice mailed May 14, 2007 indicated that the application had been accorded a filing date but that page 7 appeared to have been omitted from the specification as filed.

In response, the petitioners argue that the application as deposited included page 7 of the specification and have provided as proof of mailing and proof of receipt of page 7 of the specification a return postcard date stamped by the Office on April 18, 2007. A copy of page 7 of the specification purportedly filed with the application was submitted herewith.

The original page of the specification has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of April 18, 2007 is GRANTED.

Since the original page 7 of the specification cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioners are entitled to a refund of the previously submitted $400.00 petition fee and may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 18, 2007 with page 7 as part of the specification.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

Mail Date: 05/13/2010

Applicant	: Yoshiaki Shibata	: DECISION ON REQUEST FOR
Patent Number	: 7636738	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/788,130	: 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 **298** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/788,131	04/18/2007	Eun-Young Jung	SDIYPL.161AUS	5360

7590 07/12/2010

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

EXAMINER	
TRAN, MY CHAU T	

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
07/12/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

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Derek DePuydt
2546 Brittany Lane
East Troy, WI 53120

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Derek Depuydt, et. al. :
Application No. 11/788,170 : ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed on August 1, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to file a reply to the Notice to File Missing Parts of Nonprovisional Application mailed May 17, 2007. A Notice of Abandonment was mailed on June 9, 2008.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (**2**) the petition fee required by 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**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (3) above.

The petition is signed by one of two joint inventors. An unsigned paper or one not properly signed by a person having authority to prosecute an application or patent is not entered. This applies, for instance, where a petition (or other paper) is signed by only one of multiple applicants and the one signing has not been given a power of attorney by the other(s). Therefore, as the petition was not signed by both inventors and the record herein fails to disclose that Derek Depuydt was ever given a power of attorney to act on behalf of the other inventor, or that Mr. Depuydt is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b)[1], the petition filed August 1, 2008 is considered not to contain a proper statement of unintentional delay.

[1]37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

Amendments and other papers filed in the application must be signed by:

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

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

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

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

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

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is **not** a final agency decision.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Derek DePuydt
2546 Brittany Lane
East Troy, WI 53120

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MAR 06 2009

OFFICE OF PETITIONS

In re Application of :
Derek Depuydt, et. al. :
Application No. 11/788,170 : ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on December 29, 2008, to revive the above-identified application.

In response to the decision mailed October 28, 2008, petitioner submits a signed petition by both inventors on December 29, 2008.

Additionally, petitioner submitted $770 for the petition fee, $500 for the search fee, $200 for the examination fee and the surcharge of $130 on July 20, 2007.

Since the requirements of 37 CFR 1.137(b) have been met, the renewed petition is **GRANTED**.

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

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUSAN E. MONEY
8285 GOLDEN FLOWERS ST.
LAS VEGAS, NV 89139

COPY MAILED

JUL 15 2008

OFFICE OF PETITIONS

In re Application of :
Kenneth Brunelle, et al. :
Application No. 11/788,220 : DECISION ON PETITION
Filed: April 19, 2007 : TO WITHDRAW
Attorney Docket No. Piper-005 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 reasons set forth in the request, "I no longer work for this client", does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: KENNETH BRUNELLE
850 SOUTH RANCHO DRIVE #1005
LAS VEGAS, NV 89106

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JUL 15 2008

OFFICE OF PETITIONS

SUSAN E. MONEY
8285 GOLDEN FLOWERS STREET
LAS VEGAS, NV 89139

In re Application of :
Kenneth Brunelle, et al. :
Application No. 11/788,220 : DECISION ON PETITION
Filed: April 19, 2007 : TO WITHDRAW
Attorney Docket No. Piper-005 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 9, 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 Susan Money on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application 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 Kenneth Brunelle at the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-2721642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: KENNETH BRUNELLE
850 SOUTH RANCHO DRIVE #1005
LAS VEGAS, NV 89106

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/788,220	04/19/2007	Kenneth Brunelle	Piper-005

CONFIRMATION NO. 5269

Susan E. Money
8285 Golden Flowers St.
Las Vegas, NV 89139

POWER OF ATTORNEY NOTICE

OC000000030842319

Date Mailed: 07/08/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/09/2008.

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

/amwise/

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

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Susan E. Money
8285 Golden Flowers Street
Las Vegas, NV 89139

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MAY 12 2008

In re Application of	:	
Kenneth Brunelle, et al.	:	
Application No. 11/788,222	:	DECISION ON PETITION
Filed: April 19, 2007	:	TO WITHDRAW
Attorney Docket No. Piper-003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 reasons set forth in the request, ***I no longer work for this client***, do not meet any the conditions set forth in 37 CFR 10.40.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Kenneth Brunelle**
850 South Rancho Drive, #1005
Las Vegas, NV 89106

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HARMAN – BRINKS HOFER CHICAGO
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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JUL 2 0 2009

OFFICE OF PETITIONS

In re Application of :
Michael W. Silber et al :
Application No. 11/788,234 : DECISION ON PETITION
Filed: April 19, 2007 : TO WITHDRAW
Attorney Docket No. 11336/1597 (P07093US) : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 15, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that John F. Nethery 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 Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Robert P. Hart
Harman International Industries, Incorporated
8500 Balboa Boulevard
Northridge, CA 91329

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DEC 09 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREGORY A. STOBBS
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

In re Application of
KONDO, KENJI, et al.
Application No. 11/788,249
Filed: April 19, 2007
Attorney Docket No. 5077-000262/US/CO

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 27, 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

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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.
11/788,260	04/18/2007	Mickey Urdea	31376/43990	4855

7590 12/04/2008

Marshall, Gerstein & Borun LLP (TETHYS)
233 S. Wacker Drive
Sears Tower
Suite 6300
Chicago, IL 60606

EXAMINER	
COOK, LISA V	

ART UNIT	PAPER NUMBER
1641	

MAIL DATE	DELIVERY MODE
12/04/2008	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:
12/04/2008 NFARMER 0000165373

CHECK Refund Total: $3305.00

Adjustment date: 12/04/2008 NFARMER
04/23/2007 AWONDAF1 00000002 11788260
03 FC:2111 -250.00 OP
05 FC:2201 -400.00 OP
06 FC:2202 -2475.00 OP
07 FC:2203 -180.00 OP

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

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DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of
Olsen et al..
Application No. 11/788,279
Filed: April 19, 2007
Attorney Docket No. 088245-6123

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

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 7, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/604,854, filed August 25, 2004 and provisional Application No. 60/695,946, filed July 1, 2005, as set forth in the concurrently filed amendment and Application Data Sheet (ADS).

The petition is **GRANTED**.

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

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

Additionally, 37 CFR 1.78(a)(5)(ii) 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 1.78(a)(5)(ii) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.78(a)(5)(ii), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.78(a)(5)(ii) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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

A reference to add the prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference

the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. Application No. 11/212,803 filed August 25, 2005 was referenced in the second sentence of the specification upon filing, and the amendment submitted with the instant petition reference Application Nos. 60/604,854 filed August 25, 2004 and 60/695,946 filed July 1, 2005. Therefore, the incorporation by reference sentence included in the amendment is not proper for Application Nos. 60/604,854 and 60/695,946. However, the Office will accept the priority claims as shown in the application data sheet filed October 7, 2009.

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

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

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

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2622 for appropriate action on the ADS submitted October 7, 2009, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/604,854 filed August 25, 2004 and provisional Application No. 60/695,946, filed July 1, 2005.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/788,279	04/19/2007	2622	1090	088245-6123	37	4

CONFIRMATION NO. 5189

CORRECTED FILING RECEIPT

23524
FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

Date Mailed: 12/02/2009

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

Applicant(s)

Richard Ian Olsen, Irvine, CA;
Darryl L. Sato, Irvine, CA;
Feng-Qing Sun, Irvine, CA;
James Gates, Irvine, CA;

Power of Attorney: The patent practitioners associated with Customer Number 23524

Domestic Priority data as claimed by applicant

This application is a CIP of 11/212,803 08/25/2005 ABN
and claims benefit of 60/795,946 04/28/2006
and said 11/212,803 08/25/2005
claims benefit of 60/604,854 08/25/2004
and claims benefit of 60/695,946 07/01/2005

Foreign Applications

If Required, Foreign Filing License Granted: 02/19/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/788,279**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Simultaneous multiple field of view digital cameras

Preliminary Class

348

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

Mail Date: 04/20/2010

Applicant	: Fu-San Hsu	: DECISION ON REQUEST FOR
Patent Number	: 7633781	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/788,287	: 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 **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451

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AUG 13 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of
Merchant, et al.
Application No. 11/788,318
Filed: April 19, 2007
Attorney Docket No. NOVAK-1218
For: METHOD AND APPARATUS FOR PERFORMING MULTIDIRECTIONAL TIBIAL TUBERCLE TRANSFERS

This is a decision on the correspondence entitled, "RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF NONPRIVISIONAL APPLICATION- FILING DATE GRANTED," filed July 16, 2007 (certificate of mailing date July 11, 2007). The correspondence will be treated as a petition under 37 CFR 1.53(e) requesting that the Office process the application with a filing date of April 19, 2007 with Figures 22-26 as part of the application.

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

Any request for reconsideration of this decision should be filed within two months of the mail date of this decision.

The application was filed on April 19, 2007. On May 11, 2007, the Office of Initial Patent Examination mailed a " Notice to File Missing Parts of Nonprovisional Application" informing applicants, *inter alia*, that Figures 20-26 appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request the April 19, 2007 filing date for Figures 20-26 on the basis that the allegedly omitted figures were received in the Patent and Trademark Office (PTO) on April 19, 2007. In support, the petition is accompanied by declarations by two individuals who prepared and filed the application and attest to the fact that Figures 20-26 were present.

The Office file is the official record of what was filed on April 19, 2007. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the

preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such declarations, as in this case, are usually made months after the actual events recited.

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

The petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing April 19, 2007 as the date of receipt. The postcard lists, *inter alia*, that the filing included 44 sheets of drawings. A review of the application file reveals that there are 39 sheets present.

The return postcard constitutes *prima facie* evidence that 44 sheets of drawings were filed on April 19, 2007. MPEP 503.

Unfortunately, the missing figures cannot be located in the Office. Petitioners are requested to submit a copy of Figures 22-26. The application cannot undergo further processing without a copy of the figures.

The application file will be retained in the Office of Petitions until a reconsideration petition is filed.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451

COPY MAILED
NOV 13 2007
OFFICE OF PETITIONS

In re Application of :
Merchant, et al. :
Application No. 11/788,318 : ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. NOVAK-1218 :
For: METHOD AND APPARATUS FOR PERFORMING MULTIDIRECTIONAL TIBIAL TUBERCLE TRANSFERS

This is a decision on the petition under 37 CFR 1.53(e), filed October 18, 2007 (certificate of mailing date October 15, 2007), requesting reconsideration of the decision on petition mailed on August 13, 2007.

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

Any request for reconsideration of this decision should be filed within two months of the mail date of this decision.

The original petition was accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing April 19, 2007 as the date of receipt. The postcard lists, *inter alia*, that the filing included 44 sheets of drawings. A review of the application file reveals that there are 39 sheets present.

The return postcard constitutes *prima facie* evidence that 44 sheets of drawings were filed on April 19, 2007. MPEP 503.

Unfortunately, the missing figures (Figures 22-26) could not be located in the Office. This is the reason the original petition was dismissed.

The present reconsideration petition is dismissed because the copy of the missing figures purportedly enclosed with the reconsideration petition are not present in the application file. Petitioners are requested to submit another copy of Figures 22-26. Please be sure that they are labeled appropriately, so that they are associated with this application file.

The application file will be retained in the Office of Petitions until a second reconsideration petition and a copy of the missing figures are filed.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451

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FEB 29 2008

In re Application of :
Merchant, et al. :
Application No. 11/788,318 : ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. NOVAK-1218 :
For: METHOD AND APPARATUS FOR PERFORMING MULTIDIRECTIONAL TIBIAL TUBERCLE TRANSFERS

This is a decision on the second reconsideration petition under 37 CFR 1.53(e), filed January 17, 2008 (certificate of mailing date January 14, 2008), requesting reconsideration of the decision on petition mailed on November 13, 2007.

The second reconsideration petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on April 19, 2007. On May 11, 2007, the Office of Patent Application Processing mailed a Notice informing petitioners, *inter alia*, that Figures 22-26 were missing from the application filed on October 24, 2005.

The original petition was accompanied by a copy of applicants' itemized postcard receipt showing an Office of Patent Application Processing generated barcode citing April 19, 2007 as the date of receipt. The postcard lists, *inter alia*, that the filing included 44 sheets of drawings. A review of the application file reveals that there are 39 sheets present.

The return postcard constitutes *prima facie* evidence that 44 sheets of drawings were filed on April 19, 2007. MPEP 503. Accordingly, the request is granted.

The application is being returned to Office Patent Application Processing for further pre-examination processing with a filing date of **April 19, 2007**, using the copy of Figures 22-26 supplied with the present petition.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK TERRY
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of
Haile Bekele
Application No. 11/788,329
Filed: April 19, 2007
Attorney Docket No. TECHSHELL

ON PETITION

This is a decision on the petition, filed August 26, 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 August 12, 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 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK TERRY
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON FL 33487

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SEP 16 2009

OFFICE OF PETITIONS

In re Application of
Haile Bekele
Application No.: 11/788,329
Filed: April 19, 2007
Attorney Docket No.: TECHSHELL

ON PETITION

This is a decision on the petition, filed September 15, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 15, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

It is noted that the address given on the petition differs from the address of record. If appropriate, 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.

The application is being referred to Technology Center AU 2835 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Cc: MARK TERRY
1395 BRICKELL AVE., SUITE 700
MIAMI, FL 33131

[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

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

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

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JUN 09 2010

OFFICE OF PETITIONS

In re Application of :
Fisher et al. :
Application No. 11/788,368 : DECISION ON PETITION
Filed: April 18, 2007 :
Attorney Docket No. 73366-8003.US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, which was mailed November 2, 2009. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on February 3, 2010. A Notice of Abandonment was mailed on February 24, 2010.

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

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

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

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

Paper No.

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DEC 05 2008

OFFICE OF PETITIONS

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

In re Application of	:	
Ryan Axton	:	
Application No. 11/788,370	:	DECISION ON PETITION
Filed: April 18, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.181(A)
50152.0001USU1	:	
Title: WATER SPORT TOWING	:	
APPARATUS MISTING SYSTEM	:	

This is a decision on the petition filed October 10, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 26, 2008, which set a shortened statutory period for reply of three 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 May 27, 2008. A notice of abandonment was mailed on September 22, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

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.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

ANALYSIS

With this petition, Petitioner has set forth that the non-final Office action of February 26, 2008 was not received at the correspondence address of record, and that a search of "the file[1] and the docket records" indicates that the Office action was not received.

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1 The Office is construing this to mean that the application contents were reviewed. If this is not a correct interpretation of this language, Petitioner must notify the Office.

Petitioner has further provided a copy of the docket record that is associated with the application, and has explained that correspondence from the Office is delivered to the firm's docketing department, where it is entered into an "automated docketing system,"[2] which "calculate(s) the due dates for response(s) to the Office Action(s)."[3]

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, the statement that Petitioner has included describing the system used for recording an Office action received at the correspondence address of record with the USPTO is **insufficient to either describe the docketing system or establish the reliability of the same.**

The petition is silent as to **how this computerized docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner.** Does this computer-based docketing software program generate reports that are distributed to the responsible attorneys/agents? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys/agents?

Finally, Petitioner has not provided a **copy of the master docket** for the firm, or stated that no such master docket exists.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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

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2 Petition, pages 1-2.
3 Gandel-Klein declaration of facts, paragraph 4.
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.

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.

It is noted that Petitioner has included a petition fee in the amount of $130. Petitions pursuant to Rule 1.181 do not carry a fee, and this payment will be refunded to Petitioner's credit card in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[8] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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 of Petitioner's further action(s).

vUNITED STATES 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.

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

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Ryan Axton	:	
Application No. 11/788,370	:	DECISION ON PETITION
Filed: April 18, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.181(A)
50152.0001USU1	:	
Title: WATER SPORT TOWING	:	
APPARATUS MISTING SYSTEM	:	

This is a decision on the renewed petition filed February 18, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 26, 2008, which set a shortened statutory period for reply of three 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 May 27, 2008. A notice of abandonment was mailed on September 22, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

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.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed October 10, 2008, where Petitioner set forth that the non-final Office action of February 26, 2008 was not received at the correspondence address of record, and that a search of "the file[1] and the docket records" indicates that the Office action was not

1 The Office is construing this to mean that the application contents were reviewed. If this is not a correct interpretation of this language, Petitioner must notify the Office.

received. Petitioner further provided a copy of the individual docket record that is associated with this application, and explained that correspondence from the Office is delivered to the firm's docketing department, where it is entered into an "automated docketing system,"[2] which "calculate(s) the due dates for response(s) to the Office Action(s)."[3]

The original petition was dismissed via the mailing of a decision on December 5, 2008. It is noted that **this renewed petition was filed more than two months afterwards, however the Office is exercising its discretion in Petitioner's favor, and will not dismiss this petition without consideration on the merits.**

With this renewed petition, Petitioner has included a declaration of facts from Ms. Jenness, the Docketing Manager for Petitioner's firm.

It is noted that Ms. Jenness has held this position since January 5, 2009, and that all relevant events transpired prior to Ms. Jenness' assumption of this position. As such, **the record does not support a finding that Ms. Jenness has any knowledge of whether these procedures were in place during the relevant time period.**

On second renewed petition, **Petitioner will need to provide a statement which confirms that the procedures which Ms. Jenness has described in her statement predate her assumption of this position, and that these same procedures were in effect during the relevant time period.**

Any such statement must be made by one having firsthand knowledge of the facts contained therein.

If the above-described statement is provided in a timely manner on second renewed petition, the holding of abandonment will be withdrawn, for *assuming arguendo* that the record supports a finding that Ms. Jenness has firsthand knowledge that these procedures were in place during the relevant time period, it has been established that the computer-based docketing software program generates reports on a daily basis, which are electronically distributed to the responsible attorneys as well as their assistants each morning.[4] Each of these reports "include the matters due for the current day and the matters due for up to three days in advance of each report."[5] Moreover, "Six-Week Reminder Reports" are generated every six weeks, and

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2 Petition, pages 1-2.
3 Gandel-Klein declaration of facts, paragraph 4.
4 Jenness declaration of facts, paragraph 5.
5 Id.

the record suggests that these reports are distributed to the responsible attorneys as well as their assistants.[6]

Petitioner has further indicated that a copy of the master docket for the firm is "unavailable,"[7] and has provided a copy of the individual docket record that is associated with this particular application.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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,[8] hand-delivery,[9] or facsimile.[10] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[11]

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.[12] All other inquiries

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6 Id. at 6.
7 Renewed petition, page 1.
8 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
9 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
10 (571) 273-8300- please note this is a central facsimile number.
11 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
12 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 of Petitioner's further action(s).

concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

COPY MAILED Paper No.

JUN 17 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Ryan Axton	:	
Application No. 11/788,370	:	DECISION ON SECOND RENEWED
Filed: April 18, 2007	:	PETITION PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.181(A)
50152.0001USU1	:	
Title: WATER SPORT TOWING	:	
APPARATUS MISTING SYSTEM	:	

This is a decision on the second renewed petition filed May 15, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This second renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 26, 2008, which set a shortened statutory period for reply of three 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 May 27, 2008. A notice of abandonment was mailed on September 22, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

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.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed October 10, 2008, where Petitioner set forth that the non-final Office action of February 26, 2008 was not received at the correspondence address of record, and that a search of "the file[1] and the docket records" indicates that the Office action was not received. Petitioner further provided a copy of the individual docket record that is associated with this application, and

1 The Office is construing this to mean that the application contents were reviewed. If this is not a correct interpretation of this language, Petitioner must notify the Office.

explained that correspondence from the Office is delivered to the firm's docketing department, where it is entered into an "automated docketing system,"[2] which "calculate(s) the due dates for response(s) to the Office Action(s)."[3]

The original petition was dismissed via the mailing of a decision on December 5, 2008.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on February 18, 2009, which indicated that a copy of the master docket for the firm is "unavailable,"[4] and included a copy of the individual docket record that is associated with this particular application. The renewed petition was dismissed via the mailing of a decision on March 16, 2009, as the contemporaneously submitted statement of facts contained assertions for which the declarant had no personal knowledge.

With this second renewed petition, it has been established that the computer-based docketing software program that was in place at the relevant time generates reports on a daily basis, which are electronically distributed to the responsible attorneys as well as their assistants each morning.[5] Each of these reports "include the matters due for the current day and the matters due for up to three days in advance of each report."[6] Moreover, "Six-Week Reminder Reports" are generated every six weeks, and the record suggests that these reports are distributed to the responsible attorneys as well as their assistants.[7]

CONCLUSION

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the non-final Office action of February 26, 2008 was not received.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the non-final Office action of February 26, 2008, and will set a new period for response.

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2 Petition, pages 1-2.
3 Gandel-Klein declaration of facts, paragraph 4.
4 Renewed petition, page 1.
5 Klausen declaration of facts, paragraph 5.
6 Id.
7 Id. at 6.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[8] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

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 of Petitioner's further action(s).

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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DTW May-08

SEARETE LLC
CLARENCE T. TEGREENE
1756 - 114TH AVE., S.E.
SUITE 110
BELLEVUE WA 98004

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Chan et al.	:	
Application Number: 11/788372	:	DECISION ON PETITION
Filing Date: 04/18/2007	:	
Attorney Docket Number: 0606-006-001-000000	:	

This is a decision on the "PETITION FOR CORRECTION OF FILING DATE UNDER 37 CFR 1.10(d)," filed on April 7, 2008, which is treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of April 18, 2007, rather than the presently accorded filing date of April 17, 2007.

Petitioner alleges that the application was deposited in Express Mail service on April 18, 2007. In support, petitioners have provided a copy of Express Mail Label No. EV954886415US (the same Express Mail number found on the itemized patent application transmittal letter accompanying the original application papers located in the official file). Although the Express Mail label bears a "date-in" of "4 17 07" the label also contains an Official USPS postmark dated April 18, 2007.

The USPS postmark is considered official notation by the USPS relied upon to show the date of deposit in accordance with 37 CFR 1.10(c)(3).

In view of the above, the correct date of deposit in Express Mail is April 18, 2007.

In view of the above, the petition is granted. The petition fee will be credited to counsel's deposit account.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to **April 18, 2007.**

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEARETE LLC
CLARENCE T. TEGREENE
1756 - 114TH AVE., S.E.
SUITE 110
BELLEVUE WA 98004

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MAY 19 2008

OFFICE OF PETITIONS

In re Application of
Alistair K. Chan et al.
Application No. 11/788,383
Filed: April 18, 2007
Attorney Docket Number: 0606-006-002-000000

ON PETITION

This is a decision on the petition filed April 7, 2008, under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of April 18, 2007, instead of the presently accorded filing date of April 17, 2007.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on April 18, 2007, pursuant to the requirements of 37 CFR 1.10.

Petitioners acknowledge that the date of the deposit in Express Mail shown on petitioners' Express Mail receipt is April 17, 2007, but argue that the application was actually deposited with the USPS on April 18, 2007.

In support, petitioners have provided a copy of Express Mail Customer label No. EV954886424US (the same Express Mail number appearing on the itemized transmittal sheet accompanying the original application papers located in the Official file) showing a "date-in" of April 17, 2007 but with a postmark of April 18, 2007, which corroborates that an item bearing Express Mail Label No. EV954886424US was accepted by the USPS on April 18, 2007. In view thereof, it is concluded that the correct date of deposit in Express Mail service is April 18, 2007. Therefore, the application is entitled to a filing date of April 18, 2007.

The petition is **GRANTED**. In view thereof, the petition fee in the amount of $400.00 has been credited back to deposit account no. 50-2857.

The application is being returned to Office of Initial Patent Examination for further processing with a filing date of April 18, 2007, not April 17, 2007.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Searete, LLC
Suite 110
1756 - 114th Ave. S.E.
Bellevue, WA 98004

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APR 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Alistair K. Chan, et. al.	:	
Application No. 11/788,389	:	DECISION GRANTING
Filed: April 18, 2007	:	PETITION
Attorney Docket No. 0606-006-004-000000	:	

This is a decision on the petition filed on April 7, 2008, requesting that the above-identified application be accorded a filing date of April 18, 2007, rather than the presently accorded date of April 17, 2007.

Petitioner requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on April 18, 2007. The copy of Express Mail label receipt No. EV954886441US bears a handwritten "date-in" of April 17, 2007 and a USPS receipt date stamp of April 18, 2007. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing, pursuant to 37 CFR 1.10, is April 18, 2007. It is also noted that the Application Transmittal Letter contained the same Express Mail label number.

In view of the conflicting dates on the label, an independent search of the USPS' Express Mail Track and Confirm database was obtained, which confirms that the package bearing Express Mail label No. EV954886441US was accepted on April 18, 2007; therefore, the petition is **GRANTED**.

The $400 petition fee submitted on April 7, 2008, is unnecessary and is being credited to petitioner's deposit account.

This application file is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **April 18, 2007, and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Andrea Smith
Petitions Examiner
Office of Petitions

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

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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OCT 01 2008

In re Application of
Khiem V. Cai
Application No. 11/788,451
Filed: April 20, 2007
Attorney Docket No. 535352004600

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 14, 2008.

The request is **APPROVED**.

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

The request was signed by David T. Yang on behalf of all attorneys of record who are associated with customer No. 25224.

All attorneys/agents associated with the Customer Number 25224 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must

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

There are no pending Office actions at the present time.

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

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

cc: KHIEM V. CAI
550 BOXCAR LANE
BREA, CA 92823

cc: CARLOS R. VILLAMAR
ROBERTS MLOTKOWSKI & HOBBES, PC
7918 JONES BRANCH DRIVE
SUITE 500
MCLEAN, VA 22102

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
11/788,451	04/20/2007	Khiem V. Cai	535352004600

CONFIRMATION NO. 5928

POWER OF ATTORNEY NOTICE

25224
MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

Date Mailed: 10/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2008.

- 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.

/amwise/

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

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-7195

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DEC 2 1 2007

OFFICE OF PETITIONS

In re Application of :
Scates et al. :
Application No. 11/788,455 : ON PETITION
Deposited: April 20, 2007 :
Attorney Docket No. 10437.0073.CNUS04 :

This is in response to the "PETITION, AMENDMENT, AND RESPONSE TO NOTCE OF INCOMPLETE NONPROVISIONAL APPLICATION" filed August 23, 2007, requesting that the above-referenced application be accorded a filing date of April 20, 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 April 20, 2007. However, on August 17, 2007, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an 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

[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.

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 April 20, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, a petition fee is not required.

Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to April 20, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

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

Charles Pearson
Director
Office of Petitions

8-24-07

EXPRESS MAIL MAILING LABEL

NUMBER: EV691740955 US

DATE OF DEPOSIT August 23, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450.

Barbi Sofia

BARBI SOFIA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark O. Scates
David A. Trueba
Raymond J. Zinobile

Serial No.: 11/788,455

Confirmation No.: 5931

Filed: April 20, 2007

For: REMOVAL OF PERMANGANATE REDUCING COMPOUNDS FROM METHANOL CARBONYLATION PROCESS STREAM

Group Art Unit: 1621

Examiner: Valenrod, Yevgeny

Atty. Docket No.: 10437.0073.CNUS04

PETITION, AMENDMENT, AND RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

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

Sir:

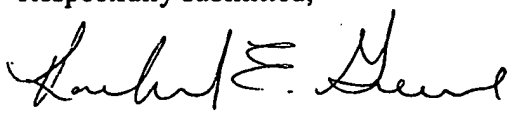
This Petition is filed in response to a Notice of Incomplete Nonprovisional Application dated August 17, 2007. The notice indicates that the application was deposited without drawings. However, the application is a continuation application of United States Patent Application Number 10/708,420 filed March 2, 2004, which has issued as United States Patent Number 7,223,886. The filing receipt, application transmittal, and preliminary amendment reflect this priority claim.

Pursuant to 37 CFR 1.57(a), the drawings from the parent application are enclosed to correct the inadvertent omission of the drawings in the submission of the paperwork for the continuation application referenced above. Please amend the application to enter the drawings.

This application is entitled to a filing date of April 20, 2007 (claiming priority as a continuation application of an application with a filing date of March 2, 2004 as described above). If any fee is required for any reason, including under 37 C.F.R. 1.17(f) or under 37 C.F.R. §§ 1.16 to 1.21 relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 08-3038/10437.0073.CNUS04.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Rachel E. Greene
58,750
Attorney for Assignee

Customer No. 23,369

HOWREY LLP
1111 Louisiana, 25th Floor
Houston, TX 77002-5242
713.787.1595 (direct)

Date: August 23, 2007

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U.S. PTO
11/788455
04/20/2007

PTO/SB/05 (02-07)
Approved for use through 02/28/2007. 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 MB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	10437.0073.CNUS04
First Inventor	Mark O. Scates
Title	Removal of Permanganate-. . .
Express Mail Label No.	EV 691741315 US

APPLICATION ELEMENTS

See *MPEP chapter 600 concerning utility patent application contents.*

1. ☒ **Fee Transmittal Form** (e.g., PTO/SB/17)
   (Submit an original and a duplicate for fee processing)
2. ☐ **Applicant claims small entity status.**
   See 37 CFR 1.27.
3. ☒ **Specification** [*Total Pages* 26]
   Both the claims and abstract must start on a *new* page
   (For information on the preferred arrangement, see MPEP 608.01 (a))
4. ☐ **Drawing(s)** (35 *U.S.C. 113*) [*Total Sheets* _____]
5. ☒ **Oath or Declaration** [*Total Sheets* 2]
   a. ☐ Newly executed (original or copy)
   b. ☒ A copy from a prior application (37 CFR 1.63(d))
   (for *continuation/divisional with Box 18 completed)*
   i. ☐ DELETION OF INVENTOR(S)
   Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ **Application Data Sheet.** See 37 CFR 1.76
7. ☐ **CD-ROM or CD-R** in duplicate, large table or Computer Program *(Appendix)*
   ☐ Landscape Table on CD
8. ☐ **Nucleotide and/or Amino Acid Sequence Submission**
   (if applicable, items a. - c. are required)
   a. ☐ Computer Readable Form (CRF)
   b. ☐ Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statements verifying identity of above copies

ADDRESS TO: **Commissioner for Patents**
P.O. Box 1450
Alexandria VA 22313-1450

ACCOMPANYING APPLICATION PARTS

9. ☒ **Assignment Papers** (cover sheet & document(s))
   Name of Assignee Formosa Plastics Corporation, U.S.A.
10. ☐ **37 CFR 3.73(b) Statement** *(when there is an assignee)* ☐ **Power of Attorney**
11. ☐ **English Translation Document** *(if applicable)*
12. ☒ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    ☐ Copies of citations attached
13. ☒ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard** (MPEP 503)
    (Should be specifically itemized)
15. ☐ **Certified Copy of Priority Document(s)**
    (if foreign priority is claimed)
16. ☐ **Nonpublication Request** under 35 U.S.C. 122(b)(2)(B)(i).
    Applicant must attach form PTO/SB/35 or equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:*

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/708,420

Prior application information: *Examiner* Yevgeny Valenrod *Art Unit:* 1621

19. CORRESPONDENCE ADDRESS

☒ The address associated with Customer Number: 23369 OR ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature	Rachel E. Greene	Date	April 20, 2007
Name (Print/Type)	Rachel E. Greene	Registration No. (Attorney/ Agent)	58,750

This collection of information is required by 37 CFR 1.53(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.

22713 U.S. PTO
042007

PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. 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

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (HR. 4818).

FEE TRANSMITTAL
For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 1,700.00

Complete If Known	
Application Number	Filed Herewith
Filing Date	April 20, 2007
First Named Inventor	Mark O. Scates
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	10437.0073.CNUS04

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 08-3038/10437.0073.CNUS04 Deposit Account Name: Howrey LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES	Small Entity	SEARCH FEES	Small Entity	EXAMINATION FEES	Small Entity	Fees Paid ($)
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	
Utility	300	150	500	250	200	100	$1,000.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
34 - 20 or HP	14	x 50	= $700

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
3 - 3 or HP =	0	x	=$0

Multiple Dependent Claims Fee ($)	Fee Paid ($)
	0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
- 100 =		/ 50 =	(round up to a whole number) x	=

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification,	
Other (e.g., late filing surcharge):	

SUBMITTED BY

Signature	Rachel E. Greene	Registration No. (Attorney/Agent) 58,750	Telephone 713-787-1595
Name (Print/Type)	Rachel E. Greene		Date April 20, 2007

CERTIFICATE OF EXPRESS MAILING

NUMBER: **EV 691741315 US**

DATE OF DEPOSIT: **April 20, 2007**

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: MCommissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Claudia A. Standiford

Claims 4/20/07

IN THE CLAIMS:

Please amend the claims as follows.

1. (Currently Amended) An improved method for reduction and/or removal of permanganate-reducing compounds (PRC's), [[C_]] C_{3-8} carboxylic acids and [[CC_{222} ayl]] C_{2-12} alkyl iodide compounds formed in the carbonylation of a carbonylatable reactant selected from the group consisting of methanol, methyl acetate, methyl formate and dimethyl ether and mixtures thereof to an acetic acid product, the products of said carbonylation including a volatile phase that is distilled to yield a purified acetic acid product and a first overhead comprising methyl iodide, water and at least one PRC, wherein the improvement comprises the steps of:

(a) distilling at least a portion of the first overhead to produce a second overhead stream comprising methyl iodide, dimethyl ether, and said at least one PRC;

(b) extracting the second overhead stream with water to form a first raffinate and a first aqueous extract stream containing said at least one PRC; and

(c) extracting the first raffinate with water to form a second raffinate and a second aqueous extract stream containing said at least one PRC.

2. (Original) The method of claim 1, wherein said at least one PRC comprises acetaldehyde.

3. (Original) The method of claim 2, wherein sufficient acetaldehyde is removed from said volatile phase to maintain in said purified product a concentration of propionic acid less than about 400 parts per million by weight.

4. (Original) The method of claim 2, wherein sufficient acetaldehyde is removed from said volatile phase to maintain in said purified product a concentration of propionic acid less than about 250 parts per million by weight.

5. (Canceled)

6. (Original) The method of claim 1, wherein extraction steps (b) and (c) are performed in separate vessels.

7. (Original) The method of claim 1, wherein extraction steps (b) and (c) are performed in at least one packed-bed extractor.

AMENDMENT TO THE SPECIFICATION

Applicants respectfully amend the specification to include a priority claim. Please add the following paragraph at the beginning of the specification at page 2, before the Field of the Invention.

--This application is a continuation application of United States Patent Application Number 10/708,420, filed March 2, 2004, which is incorporated by reference herein in its entirety.--

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LAW OFFICE OF WILLIAM J. TUCKER
2631 LAKEFOREST CT.
DALLAS TX 75214

COPY MAILED

JUL 30 2008

In re Application of	:	
Guillaume Blin	:	
Application Number: 11/788479	:	ON PETITION
Filing Date: 04/21/2007	:	
Attorney Docket Number: WJT08-0122(JSF01-0119)	:	

This is a decision in reference to the "PETITION TO WITHDRAW A HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)" filed on May 28, 2008.

The petition is **DISMISSED**.

This application became abandoned on October 17, 2007, for failure to submit a proper response to the Notice to File Missing Parts of Nonprovisional Application mailed on May 16, 2007, which set a two (2) month shortened period for reply. On September 27, 2007, a response including a three (3) month extension of the time for reply were obtained in accordance with 37 CFR 1.136(a). On October 23, 2007, however, the Office of Patent Application Processing mailed a Notice of Incomplete Reply (Nonprovisional) stating that the reply filed on September 27, 2007, is incomplete because replacement drawings in accordance with 37 CFR 1.84 and 1.121(d) are required. The Notice of Incomplete Reply (Nonprovisional) stated that the period for reply remained as set forth in the Notice to File Missing Parts. Notice of Abandonment was mailed on May 20, 2008.

Petitioner's showing is not persuasive. While petitioner asserts that a timely reply to the Notice to File Missing Parts was filed, petitioner has failed to address whether a timely response to the Notice of Incomplete Reply (Nonprovisional) was filed.

In the absence of a showing that a timely response to the Notice of Incomplete Reply (Nonprovisional) was filed, the showing of record is that the application was properly held abandoned.

As stated in 37 CFR 1.135, 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.

Petitioners may wish to consider filing a petition to revive the application, accompanied by a proper reply.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**[1]

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

By hand: Customer Service Window
Mail Stop Petitions
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

[1] 37 CFR 1.181(f).

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW OCT-08

LAW OFFICE OF WILLIAM J. TUCKER
2631 LAKEFOREST CT.
DALLAS TX 75214

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OCT 16 2008

OFFICE OF PETITIONS

In re Application of :
Guillaume Blin :
Application Number: 11/788479 :
Filing Date: 04/21/2007 : ON PETITION
Attorney Docket Number: WJT08-0122(JSF01-0119) :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on August 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on October 17, 2007, for failure to submit a proper response to the Notice to File Missing Parts of Nonprovisional Application mailed on May 16, 2007, which set a two (2) month shortened period for reply. On September 27, 2007, a response including a three (3) month extension of the time for reply were obtained in accordance with 37 CFR 1.136(a). On October 23, 2007, however, the Office of Patent Application Processing mailed a Notice of Incomplete Reply (Nonprovisional) stating that the reply filed on September 27, 2007, is incomplete because replacement drawings in accordance with 37 CFR 1.84 and 1.121(d) are required. The Notice of Incomplete Reply (Nonprovisional) stated that the period for

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

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

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

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

reply remained as set forth in the Notice to File Missing Parts. Notice of Abandonment was mailed on May 20, 2008.

The petition to withdraw the holding of abandonment filed on May 28, 2008, was dismissed on July 30, 2008.

Receipt of the replacement drawings filed with the subject petition is acknowledged.

The application is referred to the Office of Patent Application Processing for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Taisuke Okawa	: DECISION ON REQUEST FOR
Patent Number	: 7664743	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/788,482	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **459** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DLA PIPER US LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of :
Edwin Ho et al :
Application No. 11/788,494 : DECISION ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. 357314-991160 :

This is a decision on the petition, filed January 25, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Corrected Application Papers mailed May 15, 2007, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before July 15, 2007.

Petitioner states that a timely reply was mailed via certificate of mailing on June 4, 2007, which included the following: Transmittal Form; Response to Notice to File Corrected Application Papers; Copy of Notice to File Corrected Application Papers; Submission of Replacement Drawing; One (1) sheet of corrected drawing; and Return postcard. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing date of June 4, 2007, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice to File Corrected Application Papers of May 15, 2007 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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MCDONALD HOPKINS LLC
600 Superior Avenue, East
Suite 2100
CLEVELAND OH 44114-2653

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Wagner
Application No. 11/788,506
Filed: April 20, 2007
Attorney Docket No. 25432-00110

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

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 17, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior

application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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

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

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

Any questions concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Anthony Knight
Supervisor
Office of Petitions

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600 Superior Avenue, East
Suite 2100
CLEVELAND OH 44114-2653

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Wagner :
Application No. 11/788,506 : DECISION ON PETITION
Filed: April 20, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 25432-00110 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 17, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this

benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Alesia M. Brown, Petitions Attorney at (571) 272-3205. 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 3616 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/788,506	04/20/2007	3616	1330	25432-00110	20	2

CONFIRMATION NO. 5896

CORRECTED FILING RECEIPT

33772
MCDONALD HOPKINS LLC
600 Superior Avenue, East
Suite 2100
CLEVELAND, OH 44114-2653

Date Mailed: 06/25/2009

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)

J. Todd Wagner, East Haven, CT;

Power of Attorney: The patent practitioners associated with Customer Number 33772

Domestic Priority data as claimed by applicant

This application is a CIP of 11/291,083 11/30/2005 PAT 7,255,357
and is a CIP of 10/676,527 10/01/2003 ABN
which is a CIP of 10/152,083 05/20/2002 PAT 6,676,144
which claims benefit of 60/292,355 05/21/2001
and said 11/291,083 11/30/2005
is a CON of 10/385,404 03/10/2003 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 05/21/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/788,506**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for suspending a vehicle

Preliminary Class

280

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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Patent Law & Venture Group
2424 S.E. Bristol, Suite 300
Newport Beach, CA 92660

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APR 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Ned M. Ahdoot :
Application No. 11/788,528 : DECISION ON PETITION
Filed: April 19, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. Ahdoot.N-05US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 5, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by applicant and a photocopy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

The date of birth on applicant's passport was blacked out and was not legible. The statement by applicant will be sufficient to grant this petition.

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 Patent Processing, this application will be referred to Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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NED M. AHDOOT
6916 KINGS HARBOR DRIVE
RANCHO P. V., CA 90275

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DEC 2 8 2009

OFFICE OF PETITIONS

In re Application of :
Ned M. ANDOOT :
Application No. 11/788,528 : ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 02, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Non-final rejection mailed August 07, 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 above-identified application became abandoned on November 08, 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 an amendment (previously filed); (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Non-final Office action of August 07, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Ella Colbert at (571) 272-6051 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 3746 for appropriate action on the concurrently filed amendment.

David Bucci
Petitions Examiner
Office of Petitions

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

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MAR 16 2010

In re Application of
Eugenia M. Corrales
Application No. 11/788,573
Filed: April 20, 2007
Attorney Docket No. **SunmP004**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed December 3, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 25226 has been revoked by the applicants of the patent application on January 6, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: THE MUELLER LAW OFFICE, P.C.
12951 Harwick Lane
San Diego CA 92130

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Wheelock Chan, LLP
P.O. Box 61168
Palo Alto, CA 94306

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MAR 31 2009

OFFICE OF PETITIONS

In re Application of :
Doron Marco, et. al. :
Application No. 11/788,574 : ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. 351012000120 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 20, 2009, to revive the above-identified application.

This application became abandoned for failure to file a response to the Notice to File Missing Parts of Nonprovisional Application mailed May 14, 2007. A Notice of Abandonment was mailed on January 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed oath/declaration with the $65 surcharge and twenty sheets of replacement drawings containing Figures 1-45; (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 Patent Application Processing for further processing in accordance with this decision.

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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Paper No. 5

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

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DEC 04 2003

OFFICE OF PETITIONS

In re Application of :
Phillps and Breillatt : DECISION ACCORDING STATUS
Application No. 10/388,964 : UNDER 37 CFR 1.47(a)
Filed: 14 March, 2003 :
Atty Dkt No. 5818 :

This is in response to the petition filed under 37 CFR 1.47(a) on 18 November, 2003.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been provided with the application papers. Specifically, petitioners have shown that the non-signing inventor, Catherine Phillips was provided a copy of the application papers but has refused via e-mail to execute 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(a), 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 correspondence address has been changed as indicated in the Application Data Sheet, filed on 18 November, 2003.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Paper No. 5

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

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DEC 04 2003

OFFICE OF PETITIONS

In re Application of :
Phillps and Breillatt : DECISION ACCORDING STATUS
Application No. 10/388,964 : UNDER 37 CFR 1.47(a)
Filed: 14 March, 2003 :
Atty Dkt No. 5818 :

This is in response to the petition filed under 37 CFR 1.47(a) on 18 November, 2003.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been provided with the application papers. Specifically, petitioners have shown that the non-signing inventor, Catherine Phillips was provided a copy of the application papers but has refused via e-mail to execute 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(a), 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 correspondence address has been changed as indicated in the Application Data Sheet, filed on 18 November, 2003.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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1455 PENNSYLVANIA AVE., N.W., SUITE 400
WASHINGTON, DC 20004

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MAY 17 2010

OFFICE OF PETITIONS

In re Application of :
Stefan Fischer et al :
Application No. 11/788,579 : DECISION ON PETITION
Filed: April 20, 2007 : TO WITHDRAW
Attorney Docket No. 677462000100 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 23, 2010.

The request is **APPROVED**.

A review of the file record indicates that Peng Chen: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Peng Chen has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Peng Chen
Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130-2040

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/788,579	04/20/2007	Stefan Fischer	677462000100

CONFIRMATION NO. 5438

POWER OF ATTORNEY NOTICE

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

OC00000041594243

Date Mailed: 05/17/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/21/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/idingle/

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

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/788,579	04/20/2007	Stefan Fischer	677462000100

CONFIRMATION NO. 5438

91436
Fanelli Strain & Haag PLLC
1455 Pennsylvania Ave., N.W., suite 400
Washington, DC 20004

POA ACCEPTANCE LETTER

Date Mailed: 05/17/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/21/2010.

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.

/idingle/

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

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Morrison & Foerster, LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

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MAY 28 2010

OFFICE OF PETITIONS

In re Application of :
Alois Philipp et al. :
Application No. 11/788,589 : DECISION ON PETITION
Filed: April 19, 2007 : TO WITHDRAW
Attorney Docket No. 677462000200 : FROM RECORD
:

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 23, 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 25225 have been revoked by the assignee of the patent application on March 24, 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: Fanelli Strain & Haag, PLLC
1455 Pennsylvania Avenue, N.W.
Suite 400
Washington, DC 20004

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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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NOV 25 2008

In re Application of
Scott Blum et al.
Application No. 11/788,626
Filed: April 20, 2007
Attorney Docket No. 31876-1070

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 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.

A courtesy copy of this decision is being mailed to applicant, since no assignee has properly intervened in this application.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Scott Blum
605 East Hansen
Jackson, WY 83001

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The Law Office of Salvatore J. Maiorino, Esq.
827 Hylan Blvd.
Staten Island NY 10305

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MAR 04 2010

In re Application of	:	
David Walter McCaffery	:	DECISION ON PETITION
Application No. 11/788,637	:	TO WITHDRAW
Filed: April 20, 2007	:	FROM RECORD
Attorney Docket No. McCaffrey-U	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed December 30, 2009 and January 25, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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MINNEAPOLIS MN 55440-1022

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DEC 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Kjell Olmarker et al	:	
Application No. 11/788,651	:	DECISION GRANTING PETITION
Filed: April 20, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 21782-002002/DEV 001-5	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 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 23, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1647 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS and amendment.

/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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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of :
Rasmussen et al. : DECISION GRANTED
Application No. 11/788,655 :
Filed: April 20, 2007 :
Attorney Docket No.: P179M :
Title: Disposable wet Nonwoven :
Implement :
:
:

This is a decision on the petition filed July 12, 2007, requesting in effect, the Notice of Omitted Items in a Nonprovisional Application "Notice" be accorded a filing date of April 20, 2007 including figures 17 and 18.

The application was filed on April 20, 2007. However, on May 17, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of April 20, 2007 but figures 17 and 18 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figures 17 and 18 were filed on April 20, 2007. In support, the petition is accompanied by a copy of applicants' return postcard receipt which lists " Drawings (17 pgs)". The petition is further accompanied by a copy of figures 17 and 18.

Applicants' postcard receipt is prima facie evidence that at least 17 sheets of drawings including figures 17 and 18 as described in the specification were received on April 20, 2007, but figures 17 and 18 are not present in the file. Therefore, it is concluded that figures 17 and 18 were received on April 20, 2007, as shown in counsel's file, and later misplaced in the office.

The petition is Granted to the extent indicated above. The $400.00 petition fee will be refunded to deposit account no. 16-2480.

Figures 17 and 18 supplied on July 12, 2007, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 20, 2007, using the drawings submitted on April 20, 2007 and substitute figures 17 and 18 supplied with the petition on July 12, 2007.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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8 VREELAND ROAD
FLORHAM PARK NJ 07932

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Kamlesh GAGLANI et al. :
Application No. 11/788,679 : DECISION ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. T-39 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 23, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

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

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

Petitioner did not supply the supplemental fees required for this application. Any fee amount paid on or after September 30, 2007 must be paid as shown in the revised fee schedule. A review of the Office records indicates that there is a fee deficiency of $55.00 remaining for independent

claims in excess of three. No consideration on the merits can be given that petition until the required fee is 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 hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TROY CORPORATION
8 VREELAND ROAD
FLORHAM PARK NJ 07932

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Kamlesh GAGLANI et al. :
Application No. 11/788,679 :
Filed: April 19, 2007 :
Attorney Docket No. T-39 :

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 04, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required supplemental fees; (2) the petition fee of $770.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of May 16, 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

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2849 W. ARMITAGE AVE.
CHICAGO IL 60647

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JAN 27 2010

In re Application of :
OAROCHE, John R. :
Application No. 11/788,681 : DECISION ON PETITION
Filed: April 20, 2007 : TO WITHDRAW
Attorney Docket No. **APG-P-07-001** : 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 December 08, 2009.

The request is **APPROVED**.

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

The request was signed by Brian Mattson on behalf of all attorneys of record who are associated with customer No. 29013. All attorneys/agents associated with the Customer Number 29013 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **JOHN R. LAROCHE**
104 TAI WAN TAU RD.,
CLEAR WATER BAY
HONG KONG

cc: **APG ASIA LTD.**
17TH FLOOR, LLOYD'S COMMERCIAL CENTRE
NO. 8 WING LOK STREET
SHEUNG WAN
HONG KONG

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LOREN DEAN LARAMORE
6059 LEE STREET
ARVADA, CO 80004

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of	:	
LARAMORE, Loren Dean	:	
Application No. 11/788,695	:	DECISION ON PETITION
Filed: April 20, 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 20, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the driver's license of inventor Loren D. Laramore, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3764 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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ONE AMGEN CENTER DRIVE
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OFFICE OF PETITIONS

In re Application of :
Callahan et al. :
Application No. 11/788,697 : DECISION GRANTING PETITION
Filed: April 19, 2007 :
Attorney Docket No. A-1122-US-NP :

This is a decision on the petition filed November 8, 2007, under 37 CFR 1.10(c) requesting that the response to the Notice to File Missing Parts of Non-provisional Application filed September 13, 2007, be accorded a filing date of September 12, 2007.

A review of the application file history reveals that a Notice to File Missing Parts of Non-Provisional Application was mailed on July 13, 2007, and allowed a shortened period for reply of two months from its mailing date. On September 13, 2007, a response was filed. Petitioner alleges that the response was deposited with the Express Mail Service on September 12, 2007. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EL73255565US showing a "date-in" of September 12, 2007. The tracking number cited is the same number found on the certificate under 37 CFR 1.10 that accompanied the response. The evidence is convincing that the response was deposited on September 12, 2007, and that the response should be accorded a filing date of September 12, 2007, as per 37 CFR 1.6(a)(2).

In view of the above, the petition is granted. The new filing date for the response is September 12, 2007.

The Office will further process the response to the Notice to File Missing Parts of Non-Provisional Application with a filing date of September 12, 2007.

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

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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HITACHI GLOBAL STORAGE TECHNOLOGIES, INC.
5600 COTTLE ROAD, NHGB/0142
IP DEPARTMENT
SAN JOSE, CA 95193

Mail Date: 04/21/2010

Applicant	: Sayaka Nojiri	: DECISION ON REQUEST FOR
Patent Number	: 7576937	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/788,712	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/20/2007	: 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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
NABEL, Elizabeth G. et al.
Application No. 11/788,728
Filed: April 20, 2007
Attorney Docket No. **8642/128 (BSX 305 US4)**

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 20, 2009.

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

A review of the file record indicates that the power of attorney to BRINKS HOFER GILSON & LIONE has been revoked by the assignee of the patent application on March 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MARSHALL, GERSTEIN & BORUN LLP**
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

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COOPER & DUNHAM, LLP
30 ROCKEFELLER, PLAZA, 20TH FLOOR
NEW YORK, NY 10112

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In re Application of :
Jong Ho JUNG :
Application No. 11/788,737 : DECISION GRANTING PETITION
Filed: April 20, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **77384/JPW/LL** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 26, 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 8, 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 2816 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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MCDERMOTT, WILL & EMERY
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO, CA 92130-2047

Mail Date: 04/20/2010

Applicant	: Juan M. Zapata	: DECISION ON REQUEST FOR
Patent Number	: 7666607	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/788,741	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF BURTANEK & BHATTACHARYYA, LTD.
5575 STERRETT PLACE
SUITE 320
COLUMBIA MD 21044

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Duron et al. :
Application No. 11/788,751 : DECISION ON PETITION
Filed: April 21, 2007 :
Attorney Docket No. BIOSTAR.07.16 :

This is a decision on the petition, filed February 14, 2009 to refund or avoid payment of extension of time fees, under 37 CFR 1.181 (no fee).

The petition is **DISMISSED.**

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181.

This application would have been held abandoned for failure to reply to the restriction requirement mailed August 14, 2008, which set an extendable two (2) month shortened statutory period for reply. To make the reply timely a five-month extension of time fee was submitted on February 14, 2009.

Petitioner asserts that the restriction requirement dated August 14, 2008 was not timely received. Petitioner states a copy of the Notice was not received until January 22, 2009 when applicants received a letter from a third party about the outstanding Office action. Accordingly, petitioner submitted a reply with an extension of time fee to avoid abandonment. Petitioner has provided a copy of the application file cover and a copy of a desk calendar.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

The petition fails to satisfy all of the above-stated requirements. Specifically, the petition fails to meet requirement(s) 3.

As to item (3), petitioner states that a master docket does not exist and has provided a copy of a desk calendar. However, the petition also states that correspondence from the USPTO requiring responses are entered into a computer system with the relevant period for response, a copy of computer records showing where the entry would have been made has not been provided. Further it is noted that a change of correspondence address was filed on February 14, 2009. Petitioner must establish that the failure to receive the restriction requirement was not due to the failure to timely submit a change of correspondence address. Specifically when did the Office move to the new address?

The petition fee of $400.00 will be refunded.

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

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

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

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

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

Charlema Grant
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.
11/788,751	04/21/2007	Ziyad Duron	BIOSTAR.07.16	5683

53269 7590 07/23/2009

LAW OFFICES OF BURTANEK & BHATTACHARYYA, LTD.
5575 STERRETT PLACE
SUITE 320
COLUMBIA, MD 21044

EXAMINER	
WACHSMAN, HAL D	

ART UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
07/23/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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In re Application of DURON et al.
Appl. No.: 11/788751
Filed: April 21, 2007
For: SYSTEM AND METHOD FOR DETERMINING AND DETECTING STABILITY LOSS IN STRUCTURES

DECISION ON PETITION
37 CFR 1.84(a)(2)

JUL 22 2008

This decision is in response to the petition filed November 1, 2007 in the above-identified application. Petitioner request that color drawings be accepted in accordance with 37 C.F.R. 1.84 (a)(2).

The petition states that Figures 1-24 are color drawings, necessary to the understanding of the overall application as they signify varying transient signatures from a stable structure to a time when the structure approaches instability. These nuances are difficult, if not impossible to detect through black and white drawings and in the absence of color photographs. The petition complies with 37 C.F.R. 1.84 (a)(2) in that it was accompanied by (1) the appropriate fee and (2) at least three sets of color drawings. The specification filed November 1, 2007 also contains the statement required as set forth in 37 C.F.R. 1.84 (a)(2) (iii).

Having met all requirements set forth in 37 C.F.R. 1.84 (a)(2), the petition is granted.

SUMMARY: The petition is **granted**. The application has been forwarded to the examiner in charge thereof for further action.

Eliseo Ramos-Feliciano
Supervisory Patent Examiner
Art Unit 2857
Patent Examining Technology Center 2800

LAW OFFICES OF BURTANEK & BHATTACHARYYA, LTD.
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COLUMBIA MD 21044

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BIOTECHNOLOGY LAW GROUP
C/O PORTFOLIOIP
PO BOX 52050
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Fischer, Uke, Giuntoli, and Gunderson : DECISION REFUSING STATUS
Application No. 11/788,766 : UNDER 37 CFR 1.47(a)
Filed: April 19, 2007 :
Attorney Docket No. UWK-5020-UT :
For: COMPOSITIONS AND METHODS FOR TREATMENT AND PREVENTION OF OCULAR CONDITIONS

This is a decision on the petition under 37 CFR 1.47(a) filed December 17, 2007.

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

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on April 19, 2007, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on May 15, 2007, indicating that a proper declaration executed was required as well as a surcharge of $130.00 for the late filing of the same, and payment of the filing fee and replacement drawings. On December 17, 2007, the instant petition was filed, along with a request for an extension of time within the fifth month.

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

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks items (1) and (2) as set forth above.

As to item (1), the statement of the alleged unavailability of the non-signing inventors is not sufficient because it is conclusive in nature and does not provide the facts necessary for the Office to determine

whether a diligent effort has been made to locate the non-signing inventor. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent, part that:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.
> The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Any renewed petition under 37 CFR 1.47(a) filed must be accompanied by a statement establishing that a diligent effort was made to locate inventors Giuntoli and Gunderson.

The instant petition lacks item (2) as set forth above.

As to item (2), Section 409.03 of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602 § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning inventor as required by 37 CFR 1.64. An oath or declaration signed by all of the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

The declaration filed on December 17, 2007, is defective because it does not contain blank signature blocks for inventors Giuntoli and Gunderson. Without these signature blocks, the available joint inventors cannot be said to have executed the declaration on their own behalf and on behalf of the non-signing inventors. The assignee should not execute the declaration unless there are no joint inventors willing, or available, to sign the declaration which is not applicable in this case. A proper declaration, preferably one that is formatted according to MPEP § 409.03 cited above, must accompany any renewed petition filed

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

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries concerning this decision should be directed to the undersigned (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

BIOTECHNOLOGY LAW GROUP
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS MN 55402

COPY MAILED

SEP 25 2008

OFFICE OF PETITIONS

In re Application of :
Elmer F. Fischer et al. :
Application No. 11/788,766 : DECISION ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. **UWK-5020-UT** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 15, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on midnight December 17, 2007 (since December 15 was a Saturday). The response filed December 17, 2007 was deemed incomplete as set forth in the correspondence mailed January 3, 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 required fees and oath, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely submit the reply in the form of the required fees and oath is accepted as having been 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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1115 extension of time fee submitted with the petition on July 30, 2008 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

cc: **DANIEL M. CHAMBERS**
12707 HIGH BLUFF DRIVE
SUITE 200
SAN DIEGO CA 92130

fee Paid

drawing 12/17/07
oath 8/25/08

IFW/DAC

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) UWK-5020-UT

First named inventor: Elmer Frederick Fischer

Application No.: 11/788,766 Art Unit: 2875

Filed: 04/19/2007 Examiner: Unassigned

Title: METHODS AND DEVICES THAT EMPLOY THERMAL CONTROL OF CURRENT TO ELECTRICAL COMPONENTS

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
[x] 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 Statement and payment of fees (identify type of reply):

[ ] has been filed previously on _____
[x] is enclosed herewith.

07/31/2008 MBLANCO 00000005 11788766
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

[x] 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.

/Daniel M. Chambers/ — Signature

21 July 2008 — Date

Daniel M. Chambers — Typed or printed name

34,561 — Registration Number, if applicable

12707 High Bluff Drive, Suite 200 — Address

858-350-9690 — Telephone Number

San Diego, California 92130 — Address

Enclosures:
[x] Fee Payment
[x] Reply
[ ] Terminal Disclaimer Form
[ ] Additional sheets containing statements establishing unintentional delay
[x] Other: check (BLG no. 2054), postcard

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

I hereby certify that this correspondence is being:

[x] 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.

21 July 2008
Date

Signature

Daniel M. Chambers
Typed or printed name of person signing certificate

OIPE
JUL 30 2008
PATENT & TRADEMARK OFFICE

ATTORNEY DOCKET NO. UWK-5020-UT
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Elmer Fischer et al.	)	Art Unit: 2875
Application No.: 11/788,766	)	Examiner: Unassigned
Filing Date: April 19, 2007	)	Confirmation No.: 5698
For: METHODS AND DEVICES THAT EMPLOY THERMAL CONTROL OF CURRENT TO ELECTRICAL COMPONENTS	)	

RESPONSE TO NOTICE OF ABANDONMENT AND STATEMENT UNDER 37 C.F.R. §1.137(b)

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

BIOTECHNOLOGY LAW GROUP
Customer No. 35938

Sir:

In response to the Notice of Abandonment mailed May 23, 2008, in connection with the above-referenced application, Applicants hereby submit a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b). Applicants respectfully submit that the application was unintentionally abandoned due to an error in calculating the due date for filing a response to the outstanding Notice of Incomplete Reply mailed January 3, 2008.

Applicants received a Notice of Incomplete Reply mailed January 3, 2008, in which Applicants were requested to supply the statutory basic filing fee of $80.00 and the surcharge fee of $65.00 by the date set forth in the Notice of Missing Parts mailed May 15, 2007. The deadline to file a response to the Notice of Incomplete Reply was unintentionally miscalculated from the mailing date of the Notice of Incomplete Reply and set as June 3, 2008. Applicants believe the response date should have been calculated from the mailing date of the original Notice to File Missing Parts, thereby setting the date in which to file a Response to Incomplete Reply as May 17, 2008.

07/31/2008 MBLANCO 00000005 11788766
02 FC:2851 65.00 OP
03 FC:2811 80.00 OP
04 FC:2255 1115.00 OP

Applicants respectfully state that the entire delay in submitting a timely response to the Notice of Incomplete Reply mailed January 3, 2008, was unintentional and hereby submit the requested statutory basic filing fee of $80.00, the surcharge fee of $65.00, and $1115.00 for requesting an extension of time for filing a response within the fifth month. Applicants also hereby submit the fee for filing a petition under 37 C.F.R. § 1.17(m) in the amount of $770.00.

If any issue remains that can be dealt with absent a formal action and response thereto, the Examiner is encouraged to telephone the undersigned at his earliest convenience so that the same may be expeditiously resolved.

Respectfully submitted,

BIOTECHNOLOGY LAW GROUP

Dated: 21 July 2008

Daniel M. Chambers
Registration No. 34561
Attorney for Applicants

BIOTECHNOLOGY LAW GROUP
c/o PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS, MN 55402
Customer Number 35938
Tel: 858.380.9690

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11788766 Total Records Found: 11

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/31/2008	00000007	1	2453	$770.00	07/30/2008	CK
07/31/2008	00000008	1	2051	$65.00	07/30/2008	CK
07/31/2008	00000009	1	2011	$80.00	07/30/2008	CK
07/31/2008	00000010	1	2255	$1,115.00	07/30/2008	CK
12/21/2007	00000060	1	2011	$75.00	12/17/2007	CC
12/21/2007	00000059	4	4011	-$75.00	12/17/2007	OP
12/18/2007	00008207	4	4011	$75.00	12/17/2007	CC
12/18/2007	00008208	4	2111	$255.00	12/17/2007	CC
12/18/2007	00008209	4	2311	$105.00	12/17/2007	CC
12/18/2007	00008210	4	1463	$200.00	12/17/2007	CC
12/18/2007	00008211	4	2255	$1,115.00	12/17/2007	CC

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/788,766	04/19/2007	David M. Giuntoli	UWK-5020-UT

CONFIRMATION NO. 5698

FORMALITIES LETTER

35938
BIOTECHNOLOGY LAW GROUP
C/O PORTFOLIOIP
PO BOX 52050
MINNEAPOLIS, MN 55402

Date Mailed: 05/15/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

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

- The statutory basic filing fee is missing.
  *Applicant must submit $ **150** to complete the basic filing fee for a small entity.*
- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

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

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 3.
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 1,2.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

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

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

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$565** for a small entity

- **$150** Statutory basic filing fee.
- **$65** Surcharge. ✓

- The application search fee has not been paid. Applicant must submit **$250** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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

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

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

Mas

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 5 months with $0 paid	2255	1	1115	1115
Miscellaneous:				
		Total in USD ($)		**1750**

12/17/07

Dec 16 07

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SPACE MICRO INC.
SUITE 400
10401 ROSELLE STREET
SAN DIEGO CA 92121-1526

COPY MAILED

DEC 17 2009

OFFICE OF PETITIONS

In re Application of :
Michael FEATHERBY, et al :
Application No. 11/788,844 : ON PETITION
Filed: April 23, 2007 :
Attorney Docket No. :

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

The petition is **DISMISSED**.

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

A 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 and 3.

With respect to item 1: Although the instant petition was accompanied by the required reply, the amendment filed October 29, 2009, is lacking the required signature of an authorized agent or the appointed attorney of record.

With respect to item 3: The statement of unintentional delay, filed October 29, 2009, cannot be consider proper, since it does not contain the required signature.

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

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

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

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

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

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

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 0 3 2010

OFFICE OF PETITIONS

SPACE MICRO INC.
SUITE 400
10401 ROSELLE STREET
SAN DIEGO CA 92121-1526

In re Application of :
Michael FEATHERBY, et al :
Application No. 11/788,844 : DECISION ON PETITION
Filed: April 23, 2007 :
Attorney Docket No. :

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

The petition is **GRANTED**.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The Revocation and Power of Attorney filed with the petition on December 24, 2009, is acknowledged, however, is not accepted because the statement under 37 CFR 3.73(b) does not include a proper chain of title.

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

This application is being referred to Technology Center AU 2881 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT P. COGAN
CONTINUUM LAW
10085 CARROLL CANYON RD
STE 100
SAN DIEGO CA 02131-1138

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RICHARD OUELLETTE
14 FIRWOOD CRESENT
MONCTON NB E1A 5X2 CA CANADA

COPY MAILED

OCT 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Richard Ouellette	:	
Application No. 11/788,846	:	DECISION ON PETITION
Filed: April 23, 2007	:	
Attorney Docket No. 174 RO-01-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 18, 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 replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notices mailed May 14, 2007 and July 19, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LESTER HORWITZ
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

Mail Date: 04/21/2010

Applicant	: Kazuhiro Okada	: DECISION ON REQUEST FOR
Patent Number	: 7578162	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/788,849	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/20/2007	: 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
www.uspto.gov

Joseph E. Fleckenstein
156 Castleton Drive
Reading, PA 19607-3213

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MAR 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Joseph Fleckenstein :
Application No. 11/788,853 : DECISION ON PETITION
Filed: April 23, 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 January 30, 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 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 at 571-272-4000.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

Kimberly Inabinet
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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SHELL OIL COMPANY
P O BOX 2463
HOUSTON, TX 77252-2463

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JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of :
Harold J. Vinegar, et al. :
Application No. 11/788,871 : DECISION ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. TH3240/5659-35800 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply to the Notice of Drawing Inconsistency with Specification and to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed January 28, 2010, which set a period for reply of thirty (30) days. Accordingly, this application became abandoned on March 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

The drawings have been approved by the USPTO draftsperson.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

April M. Wise
Petitions Examiner
Office of Petitions

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BEIRNE, MAYNARD & PARSONS, L.L.P.
STE. 2500
1300 POST OAK BLVD.
HOUSTON TX 77056-3000

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OFFICE OF PETITIONS

In re Application of

WARDLAW, Louis J.
Application No. 11/788,874
Filed: April 19, 2007
Attorney Docket No. **002663/030490**

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 26, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **HOT-HET, INC.**
ATTN: MR. SAMER ALAZEM
5322 HH ADDICKS-SATSUMA ROAD
HOUSTON TX 77284-0305

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OFFICE OF PETITIONS

In re Application of

WARDLAW, Louis J.
Application No. 11/788,874
Filed: April 20, 2007
Attorney Docket No. **002663/030490**

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 03, 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 William Norvell, Jr., the sole attorney of record. William Norvell, Jr. has been withdrawn as attorney or agent of record.

All future correspondence will be directed to the inventor Louis Wardlaw 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: **LOUIS J. WARDLAW**
C/O HOT-HED, INC.
5322 ADDICKS-SATSUMA ROAD
HOUSTON TX 77284

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LOUIS J. WARDLAW
C/O HOT-HED, INC.
5322 ADDICKS-SATSUMA ROAD
HOUSTON TX 77284

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SEP 0 8 2009

OFFICE OF PETITIONS

In re Application of
Louis J. Wardlaw
Application No. 11/788,874
Filed: April 19, 2007
Title of Invention: APPARATUS AND METHOD INCORPORATING AN INDICATOR CHAMBER FOR ELEVATED TEMPERATURE PRESSURE VESSEL OR WELD TESTING

: DECISION ON PETITION

This is a decision on the petition filed August 4, 2009 under 37 CFR 1.137(b),[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(b)." This is not a final agency decision.

---

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

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

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

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

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

This application became abandoned on June 23, 2009, for failure to pay the issue fee in response to the Notice of Allowance mailed March 20, 2009, and which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed July 13, 2009.

This petition lacks items (2) above.

The fee set for a petition under 37 CFR 1.137(b) is set at $1620 for a large entity and not $810 as has been submitted with the petition. Since no credit card was submitted and no authorizations for debiting a deposit account for any deficiencies have been granted, the required petition fees have not been paid.

In view thereof, the balance of the petition fee in the amount of $810.00, is due before a petition on the merits can be addressed and granted. The application will therefore remain in an abandoned status until such time as the petition fee has been paid.

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

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

By FAX: (571) 273-8300
Attn: 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

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OFFICE OF PETITIONS

LOUIS J. WARDLAW
C/O HOT-HED, INC.
5322 ADDICKS-SATSUMA ROAD
HOUSTON TX 77284

In re Application of :
Louis J. Wardlaw : DECISION ON PETITION
Application No. 11/788,874 :
Filed: April 19, 2007 :
Title of Invention: APPARATUS AND :
METHOD INCORPORATING AN INDICATOR
CHAMBER FOR ELEVATED TEMPERATURE
PRESSURE VESSEL OR WELD TESTING

This is a decision on the renewed petition filed September 15, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on June 23, 2009, for failure to pay the issue fee in response to the Notice of Allowance mailed March 20, 2009, and which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed July 13, 2009. A petition to revive was filed August 4, 2009 and was dismissed in a decision mailed September 8, 2009 because while the issue fee was paid at the rate set for a e

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

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

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

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

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

large entity, the fee for the petition was paid at the small entity rate and since no credit card was submitted and no authorizations for debiting a deposit account for any deficiencies have been granted, the required petition fees were therefore not paid.

Comes now petitioner with the instant renewed petition arguing that from filing until the present, the applicant was always a SMALL ENTITY and thus all fees due are at the rate set for a SMALL ENTITY.

A review of the record reveals that since the applicant properly asserted SMALL ENTITY status on filing and since no other communication regarding loss of SMALL ENTITY status was filed during prosecution, applicants are properly entitled to treatment as a small entity.

In view thereof, the fee paid in the amount of $810.00 for the petition to revive has been properly applied and the file records have been updated to reflect that the instant application is entitled to be treated as a SMALL ENTITY.

All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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13445 Mandoli Drive
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OFFICE OF PETITIONS

In re Application of :
Bo-In Lin :
Application No.: 11/788889 : DECISION ON
Filing or 371(c) Date: 04/22/2007 : PETITION
Attorney Docket Number: LC&SJ0502 :

This is a decision in response to the Petition to Withdraw the Holding to Abandonment, filed July 10, 2008. The petition is properly treated under 37 CFR 1.181.

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 to File Corrected Application Papers (Notice), mailed May 16, 2007. The Notice set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a).

Applicant filed a reply on July 16, 2007; however, the reply was incomplete. Applicant was so notified in a Notice of Incomplete Reply (Nonprovisional), mailed July 30, 2007. Applicant filed a second, subsequent reply on October 28, 2007, and included a request and fee for a one (1) month extension of time. However, on October 28, 2007, the reply required a three (3) month extension of time in order to have been considered timely. No complete and proper (timely) response having been received, the application became abandoned on July 17, 2008. A Notice of Abandonment was mailed June 12, 2008.

The present petition

Applicant files the present petition and references the responses to the Notice to File Corrected Application Papers, filed July 16, 2007 and to the Notice of Incomplete Reply (Nonprovisional), filed October 29, 2007.

Applicable Law, Rules and MPEP

37 CFR § 1.135, Abandonment for failure to reply within time period, 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.

Analysis and conclusion

In this instance, the reply filed October 28, 2007 required a three (3) month extension of time in order to have been considered timely. Applicant included a one (1) month extension of time and fee and, as such, the reply was not both complete and proper (timely). The petition is dismissed.

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 matter should be directed to the undersigned at (571) 272-3232.

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

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In re Application of	:	
Bo-In Lin	:	
Application No.: 11/788889	:	DECISION ON
Filing or 371(c) Date: 04/22/2007	:	PETITION
Attorney Docket Number: LC&SJ0502	:	

This is a decision in response to the "Petition to Withdraw the Holding to Abandonment," filed October 27, 2008. The petition is properly treated as a renewed petition under 37 CFR 1.181.

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 to File Corrected Application Papers (Notice), mailed May 16, 2007. The Notice set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a).

Applicant filed a reply on July 16, 2007; however, the reply was incomplete. Applicant was so notified in a Notice of Incomplete Reply (Nonprovisional), mailed July 30, 2007. Applicant filed a second, subsequent reply on October 28, 2007, and included a request and fee for a one (1) month extension of time. However, on October 28, 2007, the reply required a three (3) month extension of time in order to have been considered timely. No complete and proper (timely) response having been received, the application became abandoned on July 17, 2008. A Notice of Abandonment was mailed June 12, 2008.

The July 10, 2008 petition

Applicant filed a petition on July 10, 2008, and referenced the responses to the Notice to File Corrected Application Papers, filed July 16, 2007 and to the Notice of Incomplete Reply (Nonprovisional), filed October 29, 2007.

The August 26, 2008 Decision dismissing the petition

A Decision dismissing the petition was mailed August 26, 2008. The Decision dismissing the petition informed Applicant that the reply filed October 28, 2007 required a three (3) month extension of time in order to have been considered timely. Applicant included a one (1) month extension of time and fee and, as such, the reply was not both complete and proper (timely).

The present renewed petition

Applicant files the present renewed petition and includes the extension of time fee for a three (3) month extension of time.

Applicable Law, Rules and MPEP

Applicant is advised that, as provided in the Manual of Patent Examining Procedure,

> [w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. 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).

Here, there is no dispute as to the status of the application. The application is abandoned. A petition to revive the application (and fee) is the appropriate course of action.

Applicant must 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).

Applicant is further advised that the fee for a petition to revive an application under 37 CFR 1.137(b) is $810.00. Applicant has submitted a fee of $490.00 for an extension of time;

however, no extension of time is available when the application is abandoned. The fee will be held until final resolution of the matter. Applicant may request to apply the $490.00 to the fee for a petition to revive, and submit an additional $320.00 for the petition to revive the application.

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Bo-In Lin	:	
Application No.: 11/788889	:	DECISION ON
Filing or 371(c) Date: 04/22/2007	:	PETITION
Attorney Docket Number: LC&SJ0502	:	

This is a decision on the petition to revive a patent application unintentionally abandoned, under 37 CFR 1.137(b), filed December 31, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed May 16, 2007. The Notice set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a).

Applicant filed a reply on July 16, 2007; however, the reply was incomplete. Applicant was so notified in a Notice of Incomplete Reply (Nonprovisional), mailed July 30, 2007. Applicant filed a second, subsequent reply on October 28, 2007, and included a request and fee for a one (1) month extension of time. However, on October 28, 2007, the reply required a three (3) month extension of time in order to have been considered timely. No complete and proper (timely) response having been received, the application became abandoned on July 17, 2008. A Notice of Abandonment was mailed June 12, 2008.

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

This application is being forwarded to the Office of Patent Application Processing for processing of the reply, filed October 28, 2008, and for continued processing in due course.

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

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

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HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, SE
P.O. BOX 2567
GRAND RAPIDS, MI 49501

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SEP 26 2008

Applicant: Bacon
Appl. No.: 11/788,901
Filing Date: April 23, 2007
Title: WIND WHEEL AND ELECTRICITY GENERATOR USING SAME
Attorney Docket No.: BAC03 P302
Pub. No.: 2007/0200349 A1
Pub. Date: August 30, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on October 15, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication, which published on August 30, 2007 contains material because it does not include the amendments to the claims filed on August 26, 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 instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to not the amended claims. The application was correctly published with the claims submitted on filing by Applicant.

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 claims in the publication by the Office because patent application publications are not required to include preliminary amendments. While the patent application

[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).

publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. [2] Additionally in this instance the amendment was filed approximately 4 weeks prior to the projected publication date so it was received after the application was exported to the publisher for publication. See MPEP 1120 and 1121.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

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

[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

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PRESS BUILDING, SUITE 902
19 CHENANGO STREET
BINGHAMTON NY 13901

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OFFICE OF PETITIONS

In re Application of :
ROBERT STERCHAK :
Application No. 11/788,935 : DECISION ON PETITION
Filed: 04/23/2007 :
Attorney Docket No. H-780 :

This is decision on the petition under 37 CFR 1.181, filed January 30, 2008, to withdraw the holding of abandonment.

On May 16, 2007, the Office mailed a Notice to File Corrected Application Papers, which set a two-month extendable period for reply. In the apparent absence of a timely filed response, the Office mailed a Notice of Abandonment on January 17, 2008.

In the present petition, petitioners asserted that they filed a timely response to the Notice to File Corrected Application Papers. In support of the assertion, petitioners submitted a copy of the response and a date-stamped postcard receipt, acknowledging receipt of "15 Drawing Sheets, Check No. 21215, and Response to file missing parts" (Response) on August 20, 2007.

Upon reviewing the record, the Response was not located among the papers in the Image File Wrapper. The date-stamped postcard receipt serves as prima facie evidence of receipt of the Response on August 20, 2007. See MPEP 503. The copy of the Response contained a certificate of mailing dated August 16, 2007. Therefore, petitioners are relying of the certificate of mailing as evidence of the timely filing of the Response on August 16, 2007.

"Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512." MPEP 711.03(c)(I)(B). Pursuant to MPEP 512(IV), applicants may notify the USPTO of the previous mailing and supply a duplicate copy of the correspondence, accompanied by a statement attesting on a personal knowledge basis, or to the satisfaction of the Director, to the previous timely mailing. If the person signing the statement did not sign the certificate of mailing, then the person signing the statement should explain how they have firsthand

knowledge of the previous timely mailing or transmission. Such a statement should be filed promptly after the person becomes aware that the Office has not received the correspondence.

Petitioners did not provide a statement attesting to a personal knowledge of the mailing of the original response on the date indicated on the certificate of mailing (e.g., a statement by Sheri Tyler, the person who signed the certificate). Accordingly, the petition to withdraw the holding of abandonment is **dismissed**.

Before the Office can withdraw the holding of abandonment, petitioners must submit a request for reconsideration and a statement in compliance with 37 CFR 1.8(b)(3). A request for reconsideration of this decision must be submitted with TWO (2) MONTHS of the mailing date of this decision. Extensions of this time period may be granted under 37 CFR 1.136. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181."

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 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

MARK LEVY & ASSOCIATES, PLLC
PRESS BUILDING, SUITE 902
19 CHENANGO STREET
BINGHAMTON NY 13901

COPY MAILED

MAY 0 1 2008

OFFICE OF PETITIONS

In re Application of :
ROBERT STERCHAK :
Application No. 11/788,935 : DECISION ON PETITION
Filed: 04/23/2007 :
Attorney Docket No. H-780 :

This is decision on the renewed petition under 37 CFR 1.181, filed April 10, 2008, to withdraw the holding of abandonment.

On May 16, 2007, the Office mailed a Notice to File Corrected Application Papers, which set a two-month extendable period for reply. In the apparent absence of a timely filed response, the Office mailed a Notice of Abandonment on January 17, 2008.

Petitioners asserted that they filed a timely response to the Notice to File Corrected Application Papers. In support of the assertion, petitioners submitted a copy of the response, the Declaration of Mark Levy, a registered patent practitioner, and a date-stamped postcard receipt acknowledging receipt of "15 Drawing Sheets, Check No. 21215, and Response to file missing parts" (Response) on August 20, 2007. The copy of the reply included a certificate of mailing date of August 16, 2007.

The file record does not include the original reply. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice to File Corrected Application Papers is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on August 16, 2007.

This application is being referred to Technology Center AU 3644 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquires 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
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 07 2010

OFFICE OF PETITIONS

LEONARD TACHNER, A PROFESSIONAL LAW CORPORATION
17961 SKY PARK CIRCLE, SUITE 38-E
IRVINE CA 92614

In re Application of :
Donghang Yan et al :
Application No. 11/788,957 : DECISION ON PETITION
Filed: April 21, 2007 :
Attorney Docket No. F1060023US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The 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 March 31, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2822 for appropriate action by the Examiner in the normal course of business on the reply received April 7, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/788,980	04/23/2007	Hirotsuna Miura	9319O-002152	7342

27572 7590 09/21/2009

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

EXAMINER	
LUU, MATTHEW	

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
09/21/2009	PAPER

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

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

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, PLC
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

In re Application of
Hirotsuna MIURA
Application No.: 11/788,980
Filed: 23 April 2007
Attorney Docket No.: 9319O-002152
For: TRACE FORMING METHOD, DROPLET EJECTION APPARATUS, AND CIRCUIT MODULE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 C.F.R. 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. 1.102(d), filed 17 August 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the 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 C.F.R. 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 4, 5, 6, and 7 above are considered to have been met.
However, the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 3, Petitioner has not amended the claims of the instant U.S. Patent Application to sufficiently correspond to the allowable claims in the JPO application.

Claim 3 of the instant U.S. application recites the phrase "laser radiation device" in line 4, while the JPO application correspondingly recites the phrase "laser radiation means" in its claim 3. Such a change of terminology renders these two claims to have a different scope of invention.

Claim 4 of the instant U.S. application recites the phrase "laser radiation device" in lines 1 and 2, while the JPO application correspondingly recites the phrase "laser radiation means" in its claim 4. Such a change of terminology renders these two claims to have a different scope of invention.

Claim 4 of the instant U.S. application also recites the term "droplet" in line 2, while the JPO application correspondingly recites the phrase "droplet region" in its claim 4. Such a change of terminology renders these two claims to have a different scope of invention.

Claim 5 of the instant U.S. application recites the phrase "laser radiation device" in line 4, while the JPO application correspondingly recites the phrase "laser radiation means" in its claim 5. Such a change of terminology renders these two claims to have a different scope of invention.

Claim 5 of the instant U.S. application also recites the term "droplet" in line 8, while the JPO application correspondingly recites the phrase "droplet region" in its claim 5. Such a change of terminology renders these two claims to have a different scope of invention.

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to 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.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/788,980	04/23/2007	Hirotsuna Miura	9319O-002152	7342

27572 7590 10/16/2009

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

EXAMINER	
SOLOMON, LISA	

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
10/16/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, PLC
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

In re Application of
Hirotsuna MIURA
Application No.: 11/788,980
Filed: 23 April 2007
Attorney Docket No.: 9319O-002152
For: TRACE FORMING METHOD, DROPLET EJECTION APPARATUS, AND CIRCUIT MODULE

: 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 29 September 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

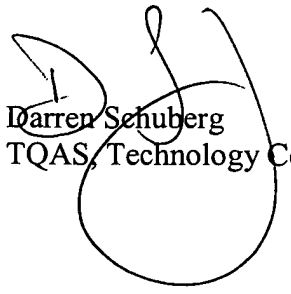
ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272 2044.

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



Darren Schuberg
TQAS, Technology Center 2800

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.
11/788,981	04/23/2007	Akira Itoh	4041J-001294	7347

7590 09/03/2009

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

EXAMINER	
DUONG, THO V	

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
09/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/08/2009 NFARMER 0000160721

CHECK Refund Total: $500.00

Adjustment date: 09/08/2009 NFARMER
04/25/2007 AAHMADI 00000017 11788981
02 FC:1111 -500.00 OP

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Commissioner for Patents
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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of :
Amy N. Carpentieri :
Application No. 11/788,991 :
Filed: April 23, 2007 :
Attorney Docket No. F-8739 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2009.

The request is **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 Laurence A. Greenberg, on behalf of all practitioners of record who are associated with Customer Number 24131.

All attorneys/agents associated with the Customer Number 24131 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 application is currently abandoned for failure to respond to the Non Final Office action mailed May 7, 2009.

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: AMY N. CARPENTIERI
1140 APPLE ORCHARD CIRCLE
BERKELEY SPRINGS, WV 25411

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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/788,991	04/23/2007	Amy N. Carpentieri	

CONFIRMATION NO. 7339

POWER OF ATTORNEY NOTICE

24131
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

Date Mailed: 12/15/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/22/2009.

- 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.

/atkelley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREGORY A. STOBBS
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

OCT 18 2007

In re Application of :
KATSUHIRO KANAMORI :
Application No. 11/789010 :
Filed: APRIL 23, 2007 :
Attorney Docket No. **5077-000263/US/CO** :

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 17, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

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

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

John Peng
TC 2600
Quality Assurance Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOCKE LORD BISSELL & LIDDELL LLP
ATTN: MICHAEL RITCHIE, DOCKETING
2200 ROSS AVENUE
SUITE # 2200
DALLAS TX 75201-6776

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Richard SAPIENZA :
Application No. 11/789,055 : DECISION ON PETITION
Filed: April 23, 2007 :
Attorney Docket No. **1028-001P** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 04, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 04, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 05, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and publication fee of $300.00; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as being unintentionally delayed.

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

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **LOCKE LORD BISSELL & LIDDELL, LLP**
885 THIRD AVENUE, 26TH FLOOR
NEW YORK, N. Y. 10022-4802

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NAND K. ACHARYA
APT. 104-335
7095 HOLLYWOOD BLVD.
LOS ANGELES CA 90028

JUL 16 2007

In re Application of: ACHARYA
Serial No.: 11/789,056
Filed: April 23, 2007
Title: PORTABLE "CLEANDED, DECONTAMINATED: AND DISENFECTED AIR" BREATHING DEVICE

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

This is a decision on the petition filed on April 23, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). Applicant's request for expedited examination has been construed as a petition for accelerated examination 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. No multiple dependent claims may be included.
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 petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web. Additionally, application was not complete under 37 CFR 1.51 and in condition for examination at the time of filing, as evidenced by the mailing of the Notice To File Missing Parts of Nonprovisional Application mailed June 22, 2007.

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

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

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

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

J. Harrison
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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NAND K. ACHARYA
APT. 104-335
7095 HOLLYWOOD BLVD.
LOS ANGELES, CA 90028

COPY MAILED
SEP 23 2008

In re Application of :
Nand K. Acharya :
Application No. 11/789,056 : DECISION ON PETITION
Filed: April 23, 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 7, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant's driver's 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 3771 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

NAND K. ACHARYA
APT. 104-335
7095 HOLLYWOOD BLVD.
LOS ANGELES CA 90028

MAILED

JUN 09 2009

OFFICE OF PETITIONS

Applicant: Acharya
Appl. No.: 11/789,056
Filing Date: April 23, 2007
Title: PORTABLE "CLEANED, DECONTAMINATED AND DISINFECTED AIR" BREATHING DEVICE
Pub. No.: US 2008/0314391 A1
Pub. Date: December 25, 2008

This is a decision on the request for a corrected patent application publication, received on February 2, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in the claims as claims 1, 2, 3, 4, 7, 8, 9 and 11 and 12 should be renumbered as 1-9.

The request is DISMISSED.

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

The error noted by requestor regarding the numbering of the claims is not an Office error. The application was correctly published with the claim numbering as presented by Applicant in the amendments filed July 7, 2008.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicants' request for a corrected patent application publication on February 2, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

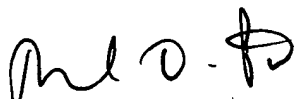
http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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

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



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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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CONSTANTINE N. COLYVAS
59 VALORIE ROAD
SOUTHHAMPTON, NY 11968

COPY MAILED

AUG 20 2007

OFFICE OF PETITIONS

In re Application of :
Constantine N. Colyvas :
Application No. 11/789,071 : DECISION ON PETITION
Filed: April 24, 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 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 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.

This application is being referred to the Office of Initial Patent Examination to process reply to the Notice of Incomplete Reply (Notice) mailed June 6, 2007. This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Constantine N. Colyvas
59 Valorie Rd.
Southampton NY 11968

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DEC 12 2008

In re Application of :
Constantine N. Colyvas :
Application No. 11/789,071 : DECISION ON PETITION
Filed: April 24, 2007 : PURSUANT TO
Title: EASY IN SAND-BRELLA : 37 C.F.R. § 1.181(A)

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on August 25, 2008.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 22, 2008, which set a shortened statutory period for reply of three months. A first response was received on February 7, 2008. A second response was received on March 4, 2008, however this submission could not be entered as it was not executed.[1] A third response was received on June 20, 2008, however this response was also unexecuted. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. The above-identified application became abandoned on

1 37 C.F.R. § 10.18(a) sets forth, *in toto*: [f]or all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

April 23, 2008. A notice of abandonment was mailed on August 4, 2008.

The notice of abandonment indicates

> "[a] reply was received on 3/4/08, 6/20/08 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below)."

It is noted that no information appears in box 7.

ANALYSIS

With this petition, Petitioner has alleged that the notice of abandonment does not indicate what was deficient with the responses to the non-final rejection. Petitioner's argument has been considered, and it is deemed to be persuasive. The Notice of Abandonment is silent as to the alleged deficiencies in the response to the non-final Office action. More importantly, **it is unclear why the response to the February 7, 2008 submission was not processed in due course.**

Moreover, it is noted that on November 17, 2008, subsequent to the mailing of the notice of abandonment, the Office mailed a "Notice of Non-Compliant Amendment (37 CFR 1.121)," which indicated that the abstract was "not presented on a separate sheet," and that in regards to the amendments to the claims, the claims lack proper status identifiers, and they "should be presented on a separate sheet. See Attachments." No attachments were included.

However, the abstract that was included on filing was presented on a separate sheet. Additionally, the submission of February 7, 2008 made no amendment to the claims: the claims that are discussed in the February 7, 2008 submission are the claims of the reference relied upon on pages 16-17 of the non-final Office action.

It is noted that an amendment was submitted on November 25, 2008, in reliance on the notice of November 17, 2008.

CONCLUSION

It is clear that a response was timely filed on February 7, 2008, and it appears that this response should have been processed in due course.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

Moreover, the "Notice of Non-Compliant Amendment (37 CFR 1.121)," mailed on November 17, 2008, is hereby **VACATED**.

Technology Center 3600 will be made aware of this decision, so that the amendments that were received on February 7, 2008, November 25, 2008, and November 26, 2008 may receive processing out of turn.

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

It is acknowledged that "special" status has been accorded to this application, pursuant to the decision mailed on August 20, 2007. As such, this application will receive advancement out of turn for examination. However, **Petitioner will note that this advancement should not be construed as a guarantee of immediate processing of any paper filed by Petitioner.**[2]

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[3] 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

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2 See MPEP § 708.02 for a general discussion on advancement out of turn.
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 Petitioner's further action(s).

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Constantine N. Colyvas
59 Valorie Rd.
Southampton NY 11968

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Constantine N. Colyvas :
Application No. 11/789,071 : DECISION ON PETITION
Filed: April 24, 2007 : PURSUANT TO
Title: EASY IN SAND-BRELLA : 37 C.F.R. § 1.181(A)

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on August 20, 2009.

The petition pursuant to 37 C.F.R. § 1.181 is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed January 26, 2009, which set a shortened statutory period for reply of three months. An after-final response was received on February 11, 2009, and an advisory action was mailed on March 24, 2009. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further response that constituted a proper response was received. Accordingly, the above-identified application became abandoned on April 27, 2009. A notice of abandonment was mailed on August 31, 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, Petitioner has indicated that he does not agree with the propriety of the final Office action of January 26, 2009.

Petitioner's contentions regarding the propriety of the objections and rejections contained therein are not well taken. **The propriety of a rejection, objection, or other requirement set forth in an Office action is not relevant to an applicant's burden to timely prosecute the application to avoid abandonment.**[1] Put another way, this application went abandoned due to Petitioner's failure to submit a proper response to the final Office action, and the propriety of an objection or rejection set forth therein is not relevant to the abandonment of this application.

If Applicant believed that the objections and rejections contained in the final Office action of January 26, 2009 had been made in error, the proper course of action would have been to submit either a notice of appeal (and fee required by law), a Request for Continued Examination coupled with a submission and the requisite fee, or a continuation application coupled with the requisite fee. Alternatively, Petitioner could have submitted a claim which placed this application in condition for

1 See 35 U.S.C. § 133 and 37 C.F.R. §§ 1.134 and 1.135(a) and (b), reproduced above.

allowance (it is noted that the Examiner included suggested claim language in the advisory action of March 24, 2009).

However, Petitioner failed to properly respond to the final Office action of January 26, 2009, and instead submitted a plurality of communications to the Office challenging the propriety of the examination which he has received.

It follows that the record does not support a finding that the holding of abandonment should be withdrawn, and this petition must be dismissed accordingly.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[2] and/or (b).[3] Unless Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

Any subsequent filing pertaining to the abandonment of this application should indicate 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]

---

2 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.

3 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.

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

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/
Paul Shanoski
Senior Attorney
Office of Petitions

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 of Petitioner's further action(s).

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COMMISSIONER FOR PATENTS
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Paper No.

Constantine N. Colyvas
59 Valorie Rd.
Southampton NY 11968

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of :
Constantine N. Colyvas :
Application No. 11/789,071 : DECISION ON RENWED PETITION
Filed: April 24, 2007 : PURSUANT TO
Title: EASY IN SAND-BRELLA : 37 C.F.R. § 1.181(A)

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on October 9, 2009.

The renewed petition pursuant to 37 C.F.R. § 1.181 is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed January 26, 2009, which set a shortened statutory period for reply of three months. An after-final response was received on February 11, 2009, and an advisory action was mailed on March 24, 2009. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further response that constituted a proper response was received. Accordingly, the above-identified application became abandoned on April 27, 2009. A notice of abandonment was mailed on August 31, 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.

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on August 20, 2009, and was dismissed via the mailing of a decision on September 30, 2009, which set forth, *in pertinent part*:

> With this petition, Petitioner has indicated that he does not agree with the propriety of the final Office action of January 26, 2009.
>
> ...
>
> If Applicant believed that the objections and rejections contained in the final Office action of January 26, 2009 had been made in error, the proper course of action would have been to submit either a notice of appeal (and fee required by law), a Request for Continued Examination coupled with a submission and the requisite fee, or a continuation application coupled with the requisite fee. Alternatively, Petitioner could have submitted a claim which placed this application in condition for allowance (it is noted that the Examiner included suggested claim language in the advisory action of March 24, 2009).
>
> However, Petitioner failed to properly respond to the final Office action of January 26, 2009, and instead submitted a plurality of communications to the Office challenging the propriety of the examination which he has received.
>
> Decision on original petition, pages 3-4.

With this renewed petition, Petitioner has requested that "the Investigator…inspect and report on all the five letters, mentioned by the Examiner plus, any other submitted at that time period, like the ones of February 19-09, February 22.09 and March 23 09 and complete his report, at this time."[1]

The undersigned has reviewed each of these submissions, and it is clear that subsequent to the mailing of the advisory action of March 24, 2009, no extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response that constituted a proper response was received. Accordingly, the above-identified application became abandoned on April 27, 2009. The Office properly mailed a notice of abandonment on August 31, 2009.

It follows that the record does not support a finding that the holding of abandonment should be withdrawn, and this renewed petition must be dismissed accordingly.

CONCLUSION

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[2] and/or (b).[3] Unless Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-

1 Renewed petition, page 3.
2 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.
3 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

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.

It is noted in passing that in a letter received on October 13, 2009, Petitioner has requested that copies of the letters he submitted to the Office on March 25, 2009, July 7, 2009, July 30, 2009, and August 10, 2009 be provided to him. Courtesy copies of these submissions have been included with this decision. For future reference however, Petitioner should note that he may view any paper in this electronic file via the Patent Application Information Retrieval (PAIR) System. More information on the PAIR system may be found here: http://www.uspto.gov/patents/ebc/index.jsp#heading-2

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

Encl. courtesy copies of communications received from Petitioner on March 25, 2009, July 7, 2009, July 30, 2009, and August 10, 2009

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 of Petitioner's further action(s).

OIPE
MAR 25 2009
PATENT & TRADEMARK OFFICE

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Supervisor Mister Allen Shriver
P.O.Box 1450
Alexandria VA 22313-1450

March 23 2009

Re: Patent Application 11/789,071
Filed April 24 2007
Applicant; Constantine N. Colyvas
Examiner: Amy J. Sterling
Title: Easy in the SAND-BRELLA

Dear Mister Allen Shriver

I am writing this letter to you because, up to now I have not one answer to any of the letters, I wrote to the Examiner, Amy J. Sterling.

After the USPTO Legal department revived my above abandoned application, the Examiner, in her new Office Action of 1-23-09, rejected again my two claims, for the same reasons as before, without having answered my letter of March 1 2008, in which in detail I explained that her rejections were wrong and not valid.

Our letter of February 19 2009, to the Examiner, in detail explained again the reasons, we believe her rejections are wrong, but that was also not answered,

In page 2, of the recent O.A. the examiner writes "Applicant's amendment necessitated any new grounds of rejections, in this Office Action."

In my next letter I asked the Examiner to explain her above statement, but as usual I have no answer to that either and I don't think that I will. My amendment asked to add the word "the" between two existing words.

Let me tell you the main reason I address this letter to you is that I tried hard to explain to the Examiner that, taking all the parts from my patent application, like the piece of metal tube and all the others, and presenting them back to me, as coming from Harold's patent application 7246783, the one upon which she rejected our claims, is not only wrong, but illegal.

I mentioned that in all my letters to her, but I don't know if she understands the seriousness of what she is doing, as I have no answers back.

Can you please tell the Examiner that, and also remind her that it is important to answer my letters and tell me and give me the reasons, if and when she does not agree with me on something.

Please also explain to the Examiner that, to justify her rejections of my claims, she will have to find similarities, in other existing U.S. or other Patents and when she cannot find any, she must, immediately remove her rejections, as improperly applied.

Please Mister Shriver, takes this matter as serious and important, because it is. And after you read my above letters you will agree.

I will very much appreciate your comments on the above, especially after you familiarize yourself with this case.

Sincerely Yours

Constantine N. Colyvas
389 Anglers Drive North
Marathon Florida 33050

Tel: 305 743 2318

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PATENT & TRADEMARK OFFICE
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1PW

THE UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Application # 11/789,071
Date Filed : April 24 2007
Applicant Constantine N Colyvas
Examiner Amy J. Sterling
Title: Easy in the SAND-BRELLA
P.O.Box 1450
Alexandria VA 22313 July 1 2009

Courtesy Copy

Attention: Mister David Wiley. Office of the Commissioner for Patents

Dear Mister Wiley

Going through the letters exchanged between the two of us, on this case, I find that certain subjects were not addressed by me in full and decided to go over the items not fully cleared by me, just for the record.

I complained from the beginning that I did not receive proper recognition or respect, from the examiner in this case, as an applicant, that I believe I deserve. My first letter to the examiner, answering in detail, his first O.A. of 1-18-08, was never answered, for no good reasons, but I noted in some of your letters that you agree with her decisions, and this is the main reason for this letter, to keep the record correct.

In your letter of April 15 2009, you go out of your way to convince me that this examiner is doing nothing illegal, as I wrote in one of my letters and that everything she does is perfect. You also say in page 1 quote:"the letter dated March 1 2008 was deemed to be not compliant... and thus not entered for consideration..... Thus the examiner has acted correctly in not addressing the March 1 letter".

Although you mention in your letter the Petition's Department Lawyer's report, dated December 12 2009, you do not say anything about the details of the attorneys reversing everything the examiner has made to abandon the case, declaring the March letter correct and in time. Please read page 2 of the report.

When I said that the examiner' is acting illegally, I justified my accusation with facts. I said that , to reject claims the examiner must give specific reasons, like telling us in detail what parts of our device "infringe" what parts of patent 7246783, the one over which the examiner considered ours unpatentable . The examiner's statement on page 4, of her O.A. of January 23 2009 says: Claims 1 and 2 are rejected as unpatentable over U.S.Patent 7246783 to Harold et al

Especially, in this particular case, what the examiner calls" claims 1 and 2," are actually two groups of claims, a total of 10 claims, all of which the examiner rejected with no justification whatsoever and also important, no fear of consequences , for the examiner.

I wish also to refer to your letter of April 15 2009, first page quote "Let me assure you that the examiner is doing nothing illegal" Your justification of the above, is not valid. Think about it. Also Mister Wiley. I am not asking for your, or any one else's "assurance" about subjects like that. We all, including you and me, like to make our own opinions, on that.

Before completing, I would like to refer to your letter of November 26 2008 paragraph 3, which states quote: "After review of the application's contents and prosecution it was determined that some clerical errors were made that resulted in the abandonment. These clerical errors have been corrected..etc."

This above statement is completely wrong and should never have been written on a paper and placed in this case's record. Clerical errors, which are unintentional mistakes, of not important people, (clerks) with no real effect on any specification or other, and certainly nothing like abandonment, or rejection of claims. As the PTO petition decided, it was all the work of the examiner's doing, what she did.

I would also point out to you, the possibility that this case could end up in a Court of Law, where all the exchanged documents will have to be given, as evidence and we all will have to be careful on what we give. We are all participants, in this my friend and we could all be called to also testify, on something or other, in court.

These Mister Wiley, just for the correct record.

And do not forget that I always "stand to be corrected"

Very Truly Yours

Constantine N. Colyvas
59 Valorie Road
Southampton N.T. 11968

JUL 30 2009
IAP57
PATENT & TRADEMARK OFFICE

Courtesy Copy

1FW

Paul Shanoski Esquire
P.O.Box 1450
Alexandria VA 22313-1450
Ref: P.A. # 11/789,071

July 26 2009

Dear Mister Shanoski

I am addressing this letter to you. because you are the senior attorney at the USPTO, that I know of and the subject that I am going to tell you about, are very important to me, and I believe should also be important to you, as a member of the USPTO institution.

I wrote several letters to Commissioner for patents, Nockolas P. Godici and faxed them to his private fax number 571-273-0125, and told him of several things happening in his organization, concerning myself, that I believe they should be of his concern also, but never received any answer that I thought it was coming from him.

Since the subjects to discuss were and are legal, I thought that , this my next attempt should be addressed to you, because you are the Legal person I know of, and you have already being in this case officially.

I said, in those letters that the rejections of my claims in this case, two groups of total ten claims, by this Examiner, done with the examiner's personal opinion that quote " are unpatentable, over U.S. Patent 7246783 to Harold et al" unquote, with no other justification whatsoever, is not enough, and mean nothing. I added, although I did not have to, that the examiner has the obligation, to tell the applicant, in this case me, what parts of our device infringe, what parts of Harold's patent device, and if the examiner cannot do that, the rejections should be immediately withdrawn.

I received no answer from the Examiner, none from the Commissioner, and the rejections are still there, almost two years later, and made FINAL rejections, one grade higher, than the Non Final. as they were before.

In several letters to USPTO, I expressed my disappointment, not only at the examiner, who initiates these illegal actions, but also at the entire USPTO

organization, that allows these illegal, improper and outrageous happenings. by employees of a United States Government Organization which, because of their particular way of handling and issuing USA patents and other very similar delicate things, should be absolute.

Did you, Mister Shanoski ever wondered, what would happen to the USPTO reputation if parts of my letters, and or the documents I have received from USPTO, ever become public? I say this because the way I have been treated from the beginning, it looks like you will force me to take a lawyer. Not a patent lawyer but one who can handle all these unusual happenings.

I wrote letters, answering the examiners "offences" and never received an answer, from the examiner, or any other person, to tell me that I am wrong

The examiner, on her last Advisory Action , mentions " to avoid Abandonment" her famous conclusion. what I call the Damoclian Sword" hanging over the applicants head. : And here is what I asked the commissioner, in my fax of May 22 2009:

"Are you Sir, going to allow this examiner to again Abandon my Application based on her ILLEGAL rejections of my claims? And if you, or other officials of your Organization believe that I am wrong, in calling them Illegal, why no-one ever told me so, but if on the other hand, you believe that I am correct, why you let this examiner go on, believing that you approve of her arbitrary and outrageous improper actions".

For the record. During these thirty six months, that I work in this case, I faithfully answer all questions put to me by the examiner but, the examiner never answer any letters of mine, with no excuse or justification, one of my letters was "declared" No Proper Reply", and others , that my letter "was not compliant and thus not entered for consideration" All, Poor Excuses.

And I remember Mister Shanoski, that my letter to you dated February 9 2009, asking you to please complete your official report and give us your legal opinion on the rest of the outstanding disputes, that letter was also never answered and when I called you on the phone, and asked for the reason, you told me that "you could not do that, and you will not do it."

In spite of what I say in the last paragraph of this letter, many times, especially at nights, waking up and starting thinking of this pending case, sometimes I believe that I can understand you.

The 15 last years of my professional life, I spent as Assistant Vice President of a huge shipping Company and Manager of Charter Operation of this organization, with One Hundred plus ships. many of them tankers chartered to Exxon and all the other oil companies, with complicated Time Carter Parties, with performance guaranties etc and I learned a lot of things there. But these were all private Companies and still we always tried to be honest and clear. Dealing with the Government of the United States of America, I thought It would be much easier, but found myself be very confused.

And my present question is very simple: Aren't these people concerned about their Organization's reputation and standing ? Are they so sure that everything that happened during these two plus years, will remain for ever secret ? Or they do not care, if they are not. Very Peculiar.

Well, To come to the main reason of this letter, which should be relevant to the one I wrote to the Commissioner, and told him that "my Patent Application with my own claims attached, was and is ready, in all respects and should be finally allowed and that is what, we suggest and respectfully request Management to agree and order.

I am confident, Mister Shanoski that, if you have read, a part of what I have written in the past two years, you must be confident in your heart that I am right and the examiner is wrong. Here are some more items to confirm it.

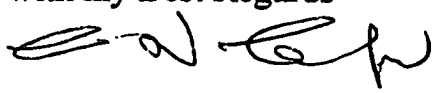
1)The examiner's effort to again reject my Patent Application, is based solely, on the rejection of my claims, and without that, the examiner has no case, and now that we are sure that they are illegal rejections, we know for sure that the examiner has no case.

Now that your December 12 legal report put that particular dispute in the garbage, where it belonged, we see the way to a proper settlement open, for someone ,like you to take the proper initiative and do the needed work for

this application to be allowed and issued, without further delays.

If you agree to contribute your work and we are successful, I will be for ever appreciative to you.

With my Best Regards



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e-mail Colyvas @ AOL

OIPE
AUG 10 2009
PATENT & TRADEMARK OFFICE

Courtesy Copy

IFW

August 4 2009

Dear Examiner Miss Amy Sterling

I have been dealing with you, on this referenced Patent Application # 11,789,071, for two and a half years, 30 months, about 900 days, and during this period I wrote many letters to you, and many faxes to the Commissioner's private fax number, always trying to be fair and correct to all parties concerned.

Unfortunately, my extra efforts, for good relations, were not very successful, due to I believe, your very agressive and often unfriendly attitude from the start.
Your first letter to me dated 1-18-08, your Office Action, of 18 pages was condemning almost everything written, in my specification

You started, by stating that quote" claim 1 and claim 2 are rejected, as unpatentable over U.S. Patent 7246783, to Harold et al"

What you told me actually there, was that all ten (10) claims, group 1 and group 2 were no good, period.

As an Examiner, Miss Sterling, at the USPTO, you must know that, the only guaranty from an issued patent, one gets is, what is written as claims, so when you condemned all my claims, you condemned everything I wrote.

But I knew from the beginning that you were not correct, because your statement was only your personal opinion, without any proper justification added, as required, something to show that parts of my claims would infringe parts of Harolds patent and therefore mine were unpatentable.

I wrote in my first reply to your OA, with copies of Harold's patent application, showing that no part of my patent could be fitted or attached to Harold's patent and gave you more arguments, to convince of that.
I also said that rejecting claims without proper justification, as required, is an illegal act and unless you correct that, the illegal rejections should be withdrawn.
An Examiner's personal opinion that even one item on one's specification is unpatentable, is not enough for the examiner to reject that item. But you, Miss Sterling, rejected all ten claims, of my specification, just because you thought, they were unpatentable.

And the worst part of this action was that, you did that without answering my letter of March 1 08, with all my arguments of why you were wrong probably, because you did no have the facts, to argue about.

How Miss S. can you justify this kind of cooperation, if you continue acting like that. You never answered my other letter of August 16 2008 and quite a few others I wrote about this case.

I go to all these details, to show you how many times you were wrong, in your decisions. You were aware that as an Examiner you had the upper hand, over the applicant and decided to use it, right from the beginning, thinking that you could suppress and apply your opinions, over those of the applicant's and win an argument easier.

You never tried to win an argument, any proper way, by giving to the applicant proper reasons, like your ideas on particular subjects. Instead, you completely ignored my letters, calling them "not proper reply", or "non compliant" and without further explanation of what you meant, you ignored my letters and conveniently never answered them.

The reason of writing this letter is to tell you that, I will be willing to forget the way you treated me, all these 30 past months, never answering my letters
and leaving me for weeks and months in the dark, not even knowing if my application still existed.

I point out to you that, during these 30 months, more than 900 days, I received from you only two (2) real letters, your two Office Actions, one dated 1-18-08, and the other 1-23-09 which , could be count as only one because, the second was almost a photo copy of the first one.

And something else is important in this case: If you compare my original application, with the present written form now, you will realize that nothing had changed, which means that everything written was and is correct, of course, after removing your illegal rejections.

But I will be willing to forget all these if you agree to forget everything unpleasant, read again, a little more carefully this time, my Patent Application and since you have already, in your first Office Action "accepted" my drawings, allow and issue my patent.

It will be the Best solution for all , especially for those of us, who already committed gross mistakes, that could coast them plenty.

With My Best Regards

Truly Yours

Constantine N. Colyvas
59 Valorie Road
Southampton N.Y. 11968

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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WWW.USPTO.GOV

Paper No.

MAILED

JAN 11 2010

OFFICE OF PETITIONS

Constantine N. Colyvas
59 Valorie Rd.
Southampton NY 11968

In re Application of	:	
Constantine N. Colyvas	:	
Application No. 11/789,071	:	DECISION ON SECOND RENWED
Filed: April 24, 2007	:	PETITION PURSUANT TO
Title: EASY IN SAND-BRELLA	:	37 C.F.R. § 1.181(A)

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on December 18, 2009.

The second renewed petition pursuant to 37 C.F.R. § 1.181 is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed January 26, 2009, which set a shortened statutory period for reply of three months. An after-final response was received on February 11, 2009, and an advisory action was mailed on March 24, 2009. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further response that constituted a proper response was received. Accordingly, the above-identified application became abandoned on April 27, 2009. A notice of abandonment was mailed on August 31, 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.

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on August 20, 2009, and was dismissed via the mailing of a decision on September 30, 2009, which set forth, *in pertinent part*:

> With this petition, Petitioner has indicated that he does not agree with the propriety of the final Office action of January 26, 2009.
>
> ...
>
> If Applicant believed that the objections and rejections contained in the final Office action of January 26, 2009 had been made in error, the proper course of action would have been to submit either a notice of appeal (and fee required by law), a Request for Continued Examination coupled with a submission and the requisite fee, or a continuation application coupled with the requisite fee. Alternatively, Petitioner could have submitted a claim which placed this application in condition for allowance (it is noted that the Examiner included suggested claim language in the advisory action of March 24, 2009).
>
> However, Petitioner failed to properly respond to the final Office action of January 26, 2009, and instead submitted a plurality of communications to the Office challenging the propriety of the examination which he has received.
>
> Decision on original petition, pages 3-4.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment was filed on October 9, 2009, which was dismissed via the mailing of a decision on November 23, 2009.

With this second renewed petition, Petitioner has indicated that he disagrees with both the non-final Office action of January 18 2008 (sic)[1] and the abandonment of this application for failure to respond to the final Office action of January 26, 2009.

Petitioner's contentions regarding the propriety of the abandonment of this application and the merits of a non-final Office action are not well taken. **The propriety of a rejection, objection, or other requirement set forth in an Office action is not relevant to an applicant's burden to timely prosecute the application to avoid abandonment.**[2] Put another way, this application went abandoned due to Petitioner's failure to respond to the final Office action of January 26, 2009, and the propriety of a previously-mailed non-final Office action is not relevant to the abandonment of this application for failure to respond to a subsequently-mailed final Office action. **Put simply, no further consideration will be given to Petitioner's contentions regarding the propriety of any rejection, objection, or other requirement set forth in any Office action, or the patentability of the subject invention of the instant application, unless the application is restored to pending status, via the revival of the application.**

Any subsequent petition which includes arguments directed towards the rejection, objection, or other requirement set forth in an Office action and fails to address Petitioner's failure to file an appropriate response to the final Office action of January 26, 2009 may be considered to be a deliberate decision to intentionally delay the presentation of a grantable petition, which constitutes an absolute bar to revival.

It follows that Petitioner has not established that the holding of abandonment should be withdrawn. It follows that the petition pursuant to 37 C.F.R. § 1.181(a) must be **DISMISSED.**

CONCLUSION

The time period for filing a third renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this

1 Petitioner appears to be referring to the non-final Office action which was mailed on January 22, 2008.
2 See 35 U.S.C. § 133 and 37 C.F.R. §§ 1.134 and 1.135(a) and (b), reproduced above.

decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Third Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704. **Thereafter, there will be no further reconsideration of this matter.**[3, 4]

It does not appear that Petitioner will be able to establish that the holding of abandonment should be withdrawn, and nothing in the record suggests that the entire period of delay was unavoidable. Therefore, **Petitioner's only relief is a petition under 37 C.F.R. §1.137(b),[5] and - having been made aware of this reality - any delay in promptly seeking relief under 37 C.F.R. § 1.137(b) may be considered evidence of intentional delay and an absolute bar to revival.**

Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

The petition pursuant to 37 C.F.R. § 1.137(b) should be submitted along with the petition fee and either an amendment which places the application in condition for allowance, a Notice of Appeal, a Request for a Continuation Application pursuant to 37 C.F.R. § 1.53(b), if applicable, or a Request for Continued Examination pursuant to 37 C.F.R. § 1.114.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this

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3 For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Louden, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894). An invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness in conferring this benefit upon the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82; 281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R.§§1.181, 182, 183.

4 If, on the third request for reconsideration, Petitioner fails to satisfy the showings burden required: (a) the resulting decision may be one viewed as final agency action; and (b) provisions for reconsideration, such as those at 37 C.F.R. §1.137(e), will **not** apply to that decision.

5 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.

matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9] If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[10]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300 - please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

MAILED

MAY 24 2010

OFFICE OF PETITIONS

Constantine N. Colyvas
59 Valorie Rd.
Southampton NY 11968

In re Application of :
Constantine N. Colyvas :
Application No. 11/789,071 : DECISION ON THIRD RENWED
Filed: April 24, 2007 : PETITION PURSUANT TO
Title: EASY IN SAND-BRELLA : 37 C.F.R. § 1.181(A)

This is a decision on the third renewed petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on January 21, 2010.

The third renewed petition pursuant to 37 C.F.R. § 1.181 is **DENIED**.

THERE WILL BE NO FURTHER RECONSIDERATION OF THIS MATTER BY THIS OFFICE. [1]

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed January 26, 2009, which set a shortened statutory period for reply of three months. An after-final response was received on February 11, 2009, and an advisory action was mailed on March 24, 2009. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further response that constituted a proper response was received. Accordingly, the above-identified application became abandoned on April 27, 2009. A notice of abandonment was mailed on August 31, 2009.

1 This decision may be regarded as a final agency action within the meaning of 5 U.S.C. § 704 for the purposes of seeking judicial review. See MPEP § 1002.02.

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.

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on August 20, 2009, and was dismissed via the mailing of a decision on September 30, 2009, which set forth, *in pertinent part*:

> With this petition, Petitioner has indicated that he does not agree with the propriety of the final Office action of January 26, 2009.
>
> ...
>
> If Applicant believed that the objections and rejections contained in the final Office action of January 26, 2009 had been made in error, the proper course of action would have been to submit either a notice of appeal (and fee required by law), a Request for Continued Examination coupled with a submission and the requisite fee, or a continuation application coupled with the requisite fee. Alternatively, Petitioner could have submitted a claim which placed this application in condition for allowance (it is noted that the Examiner included suggested claim language in the advisory action of March 24, 2009).
>
> However, Petitioner failed to properly respond to the final Office action of January 26, 2009, and instead submitted a

> plurality of communications to the Office challenging the propriety of the examination which he has received.
>
> Decision on original petition, pages 3-4.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 9, 2009, and was dismissed via the mailing of a decision on November 23, 2009.

A second renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on December 18, 2009, where Petitioner indicated that he disagrees with both the non-final Office action of January 18 2008 (sic)[2] and the abandonment of this application for failure to respond to the final Office action of January 26, 2009. The second renewed petition was dismissed via the mailing of a decision on January 11, 2010.

With this third renewed petition, Petitioner has asserted that this application did not go abandoned for a failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed January 26, 2009, and has included:

- a letter dated March 6, 2009 (the original submission has been received in the located in the electronic file and received on March 10, 2009), and;
- a letter dated February 22, 2009 and addressed to "Commissioner Godici" at a facsimile number that differs from the central facsimile number, in contravention to the requirements of MPEP § 502.01(I)(A).[3] A copy of which has not been located in the electronic file, however, this letter bears neither a certificate of mailing[4] nor an express mail label number,[5] and as such, it does not appear that Petitioner is in a position to establish the prior submission of the same.

A proper response to the final Office action of January 26, 2009 was not received, and as such, the record does not support a finding that the holding of abandonment should be withdrawn.

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2 Petitioner appears to be referring to the non-final Office action which was mailed on January 22, 2008.

3 "Effective December 1, 2003, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, with a few exceptions below. The central facsimile number is (571) 273-8300."

4 See 37 C.F.R. §§ 1.8(a)(1)(ii) and 1.8(b)(2).

5 See 37 C.F.R. § 1.10(e)(2).

CONCLUSION

The prior decisions which refused to withdraw the holding of abandonment in this application pursuant to 37 C.F.R §1.181(a), have been reconsidered. For the above stated reasons, the holding of abandonment will not be withdrawn.

Moreover, the decision on the second renewed petition of January 11, 2010 indicated, *in pertinent part*:

> It does not appear that Petitioner will be able to establish that the holding of abandonment should be withdrawn, and nothing in the record suggests that the entire period of delay was unavoidable. Therefore, **Petitioner's only relief is a petition under 37 C.F.R. §1.137(b),[6] and - having been made aware of this reality - any delay in promptly seeking relief under 37 C.F.R. § 1.137(b) may be considered evidence of intentional delay and an absolute bar to revival.**
>
> ...
>
> The petition pursuant to 37 C.F.R. § 1.137(b) should be submitted along with the petition fee and either an amendment which places the application in condition for allowance, a Notice of Appeal, a Request for a Continuation Application pursuant to 37 C.F.R. § 1.53(b), if applicable, or a Request for Continued Examination pursuant to 37 C.F.R. § 1.114.
>
> Decision on second renewed petition, page 4. Emphasis included.

It is suggested that Petitioner file a petition under 37 C.F.R. 1.137. Delay in filing such a petition may be interpreted as intentional delay which would preclude this application from being revived. This means that Petitioner's continued filing of letters requesting that the holding of abandonment be withdrawn will be treated as an act of intentional delay since a final agency action has been issued.

A grantable petition under 37 C.F.R § 1.137(a) must be accompanied by: (A) the required reply; (B) the petition fee as set forth in 37 C.F.R. § 1.17(l), and; (C) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 C.F.R. § 1.137 was unavoidable, the Commissioner may require additional information. Currently, the petition fee as set forth in 37

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6 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.

C.F.R. § 1.17(l) is $270.00 for a Small Entity. Petition form PTO/SB/61 for revival of an application under 37 C.F.R. § 1.137(a) is attached.

A grantable petition under 37 C.F.R § 1.137(b) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in § 1.17(m), and; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. Currently, the petition fee as set forth in 37 C.F.R. § 1.17(m) is $810.00 for a Small Entity. Petition form PTO/SB/64 for revival of an application under 37 C.F.R. § 1.137(b) is attached.

The required reply is the same for each petition. It is the filing of an amendment which places the application in condition for allowance, a Notice of Appeal, or a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. The two petitions are similar but have very different standards. The difference between the two petitions is that petitions under the unavoidable standard are less expensive; however the showing that must be made is more rigorous. You should further note that where there has been an extended period of delay, the Commissioner may inquire as to the circumstances of that delay.

Telephone inquiries **regarding this decision** should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[7]

Anthony Knight
Director
Office of Petitions
United States Patent and Trademark Office

Encl. PTO/SB/61
PTO/SB/64

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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.

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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GREG WOODEN
PROTOS ELECTRONICS
1040 DI GIULIO AVENUE, # 200
SANTA CLARA CA 95050

COPY MAILED

JUL 2 0 2007

OFFICE OF PETITIONS

In re Application of
Greg Wooden
Application No. 11/789,103
Filed: April 24, 2007
Title of Invention: **OBJECT-CLAMPING LID SUBASSEMBLY OF A TEST SOCKET FOR TESTING ELECTRICAL CHARACTERISTICS OF AN OBJECT**

: DECISION ON PETITION

This is a decision on the paper filed June 18, 2007 in response to the Notice Of Omitted Item(s) In A Nonprovisional Application mailed May 16, 2007, which is treated under 37 CFR 1.182.

The matter is **DISMISSED** as involving moot issues.

In response to the filing of the application on April 24, 207, On May 16, 2007, the Office of Initial Patent Examination mailed a Notice Of Omitted Item(s) In A Nonprovisional Application " stating that, a filing date had been assigned but, Figure 3 described in the specification appeared to have been omitted.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the omitted item at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the omitted item was in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

Finally, the third option is in the absence of electing options 1) or 2) above, to constructively opt to accept the filing date which has been accorded with the papers

filed upon application. With option 3), no petition under 37 CFR 1.182 is necessary for that purpose.

In this case, a review of the file does not reveal that a petition has been filed however, the finance records show that a petition fee in the amount of $400.00 has been received.

In the absence of a petition, since it can't be determined if petitioner is admitting or denying that Figure 3 was present upon filing and in view of the substitute drawings and substitute declaration in response to the Notice, it appears that applicant is constructively electing to have the application accepted as filed on April 24, 2007 without Figure 3 as described in the specification.

The Office of Initial Patent Examination will be notified to process the application without Figure 3 as described in the specification as part of the original disclosure and the amended drawing figures will be retained in the file. If petitioner should choose that they would like to have the drawing sheets included, a separate amendment will need to be filed to have them included.

Any further concerns specific to this matter 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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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OFFICE OF COUNSEL, CODE 004
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION
9500 MACARTHUR BLVD.
WEST BETHESDA MD 20817

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
Robert W. Anderson, et al. :
Application No. 11/789,125 : DECISION DISMISSING
Filed: April 20, 2007 : PETITION
Attorney Docket No. 97,619 :

This is a decision on the petition under 37 CFR 1.10(c), filed May 11, 2007, requesting that the above-identified application be accorded a filing date of April 20, 2007, rather than the presently accorded date of April 21, 2007.

A review of the record discloses that USPTO records have been updated to show the correct filing date pursuant to 37 CFR 1.10.

Accordingly, the present petition is dismissed as moot. No petition fee was charged to counsels deposit account, nor is one due.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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Kevin D. Erickson
Pauley Petersen & Erickson
Suite 365
2800 West Higgins Road
Hoffman Estates, IL 60169

Mail Date: 04/27/2010

Applicant	: Rachell L. Slovik	: DECISION ON REQUEST FOR
Patent Number	: 7637077	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/789,167	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **40** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MAY 27 2008

OFFICE OF PETITIONS

MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

In re Application of
James W. M. Rygalski, et. al.
Application No. 11/789,187
Filed: April 23, 2007
Attorney Docket No. 085356-9021-01

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

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 17, 2008, 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 concurrently filed amendment.

The petition is **GRANTED**.

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

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

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

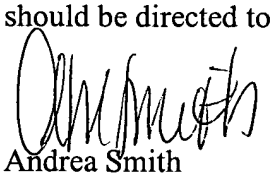
Since all of the above requirements have been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

This application is being forwarded to Technology Center Art Unit 1797, 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/789,187	04/23/2007	1797	1095	085356-9021-01	23	5

CONFIRMATION NO. 8294

CORRECTED FILING RECEIPT

23409
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Date Mailed: 05/27/2008

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

Applicant(s)

James W. M. Rygalski, Lancaster, PA;
John C. Sellars, Wauwatosa, WI;
William R. Sellars, Milwaukee, WI;
Thomas C. Shutt, Milwaukee, WI;
Richard J. Goepel, Sussex, WI;

Assignment For Published Patent Application

Sellars Absorbent Materials, Inc., Milwaukee, WI

Power of Attorney: The patent practitioners associated with Customer Number 023409

Domestic Priority data as claimed by applicant

This application is a CIP of 11/538,746 10/04/2006

Foreign Applications

If Required, Foreign Filing License Granted: 05/24/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/789,187**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Filters and methods of manufacturing the same

Preliminary Class

210

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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MELVILLE NY 11747

MAILED

JUN 29 2009

OFFICE OF PETITIONS

In re Application of
Titi Trandafir et al
Application No. 11/789,259
Filed: April 24, 2007
Attorney Docket No. 1429-11 CIPCON II

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 March 12, 2009 and supplemented on April 9, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that David M. Carter and the attorneys associated with customer no. 31554 does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Applicant is reminded that there are no attorney of record in the above identified application.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

JUVENT, INC.
300 ATRIUM DRIVE, SUITE 210
SOMERSET NJ 08873

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/789,291	04/24/2007	Heike Schauerte	ING-115	7869

7590 06/02/2010

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36TH FLOOR
CHICAGO, IL 60606

EXAMINER	
RAO, DEEPAK R	

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
06/02/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

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

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

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FEB 14 2008

CHASE LAW FIRM L.C
4400 COLLEGE BOULEVARD, SUITE 130
OVERLAND PARK KS 66211

In re Application of :
Schwartz, Fix, and McGowan : DECISION ACCORDING STATUS
Application Number: 11/789295 : UNDER 37 CFR 1.47(a)
Filing Date: 04/24/2007 :
Attorney Docket Number: 4080 :

This is in response to the petition under 37 CFR 1.47(a) filed on September 17, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Jerome Fix, 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, via the declaration of registered patent practitioner James Kimminau, Vice President of Finance/Chief Financial Officer for assignee Ameriwood Industries, that a copy of the application was sent to the last known address for the non-signing inventor. The non-signing inventor failed, however, to sign and return the declaration naming him as a joint inventor along with David L. Schwartz and Kevin John Roy McGowan.

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 the Office of Patent Application Processing for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DIW Feb-08

Jerome C. Fix
7516 Summerfield Oaks Court
St. Louis MO 63129

In re Application of
Schwartz et al.
Application No. 11/789,295
Filed: April 24, 2007
For: WIRELESS AUDIO SYSTEM

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FEB 14 2008

Dear Mr. Fix:

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

CHASE LAW FIRM L.C.
4400 COLLEGE BLVD, SUITE 130
OVERLAND PARK KS 66211

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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NORMAN E. LEHRER, P.C.
1205 NORTH KINGS HIGHWAY
CHERRY HILL NJ 08034

MAILED

JUN 2 8 2010

OFFICE OF PETITIONS

In re Application of
Lee M. Siegel
Application No. 11/789,323
Filed: April 24, 2007
Attorney Docket No. 6214-48

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 22, 2010.

The request is **APPROVED**.

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

The request was signed by Vanitha M. Elgart, former attorney/agent associated with customer number 34678. Vanitha M. Elgart has been withdrawn. All other attorneys/agents will remain of record.

The correspondence address will remain the same until further notified by applicant.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON, TX 77054

MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of :
Ramon Clayton Butler :
Application No. 11/789,336 : DECISION ON PETITION
Filed: April 24, 2008 : 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 February 28, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3643 to await a reply to the Notice of Non-Compliant Amendment (Notice) mailed March 5, 2009.

/AMW/
April M. Wise
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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Vladimir Boutkovski
357 Chestnut Ave #19
Carlsbad CA 92008

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Application of :
Vlasmir Boutkovski :
Application No. 11/789,343 :
Filed: April 24, 2007 :
For: Communicational Identities System :

DECISION ON PETITION

This is a decision on the petition filed January 25, 2010 in the above-identified application.

The petition is **dismissed**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $270. The Office is in receipt of $255.00

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Vladimir Boutkovski
1741 S. Meyers Street #7
Oceanside, CA 92054

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Westman, Champlin & Kelly, P.A.
Suite 1400
900 Second Avenue South
Minneapolis, MN 55402-3319

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of

Frank D. Werner
Application No. 11/789,356
Filed: April 24, 2007
Attorney Docket No. 028.12-0053

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 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 declaration/affidavit by the attorney of record. Accordingly, the above-identified application has been accorded "special" status.

The petition states that a certificate of applicant's age was filed with the petition. There was no record of this in the application; as such the declaration made by the attorney of record will be sufficient to grant this petition.

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 3711 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON, TX 77054

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MAR 3 1 2008

In re Application of :
BUTLER, Ramion Clayton :
Application No. 11/789,358 : DECISION ON PETITION
Filed: April 24, 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 February 28, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventor's birth certificate as evidence that Ramion Clayton Butler is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3644 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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ALBERTO A LEON, ESQ.
P.O. BOX 30684
ALBUQUERQUE, NM 87190

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DEC 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Michael **BUDAGHER** :
Application No. 11/789,359 : DECISION ON PETITION
Filed: April 23, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **50178** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 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 August 6, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 6, 2008. Accordingly, the date of abandonment of this application is August 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 payment of the issue fee of $720 and the publication fee of $300, (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

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

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

Brian W. Brown
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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KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET
SUITE #1600
PORTLAND, OR 97204-2988

Mail Date: 04/20/2010

Applicant	: Darren J. Schofield	: DECISION ON REQUEST FOR
Patent Number	: 7635476	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/789,377	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **115** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CASCADIA INTELLECTUAL PROPERTY
500 UNION STREET, STE 1005
SEATTLE, WA 98101

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Gust H. BARDY	:	
Application No. 11/789,387	:	DECISION ON PETITION
Filed: April 23, 2007	:	TO WITHDRAW
Attorney Docket No. 003.0549.US.CON	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2009.

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

A review of the file record indicates that the power of attorney to Cascadia Intellectual Property, has been revoked by the assignee of the patent application on February 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record is 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: PAULY, DEVRIES SMITH & DEFFNER, LLC
PLAZA VII – SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1630

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CASCADIA INTELLECTUAL PROPERTY
500 UNION STREET, STE 1005
SEATTLE, WA 98101

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Gust H. BARDY	:	
Application No. 11/789,388	:	DECISION ON PETITION
Filed: April 23, 2007	:	TO WITHDRAW
Attorney Docket No. 003.0620.US.CON	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2009.

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

A review of the file record indicates that the power of attorney to Cascadia Intellectual Property, has been revoked by the assignee of the patent application on February 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record is 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: PAULY, DEVRIES SMITH & DEFFNER, LLC
PLAZA VII – SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1630

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
P.O. BOX 10395
CHICAGO, IL 60610

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FEB 26 2010

In re Application of
David D. Grewe, et. al.
Application No. 11/789,413
Filed: April 24, 2007
Attorney Docket No. 8627/1674

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) or 37 CFR 10.40, filed December 14, 2009.

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). Therefore, as James P. Naughton and the attorneys/agents associated with Customer No. 48003 have not provided a correspondence address for the intervening assignee[1] or first named inventor, the request is **NOT APPROVED**.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

[1] 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).

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MAY 2 1 2010

OFFICE OF PETITIONS

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of
Mario Arbasino et al
Application No. 11/789,435
Filed: April 24, 2007
Attorney Docket No. U 016809-4

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 19, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A Notice of abandonment was mailed on January 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1614 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HONEYWELL/PERKOWSKI
PATENT SERVICES
101 COLUMBLA ROAD
P.O.BOX 2245
MORRISTOWN, NJ 07962

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of :
March Schmidt, et al. :
Application No. 11/789,442 : ON PETITION
Filed: April 24, 2007 :
Attorney Docket No.: H28736 :

This is a decision in response to the petition, styled "Petition to Revive Abandoned Application Under 37 CFR 1.137(b)," filed March 29, 2010, without the petition fee required under 37 CFR 1.17(m). For the reasons noted in the petition, the petition is more appropriately being treated as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee).

The petition, as construed, is **GRANTED**.

This application was held abandoned for failure to timely respond to the final Office action of June 24, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before September 24, 2009; however, the maximum statutory period for response ended on December 24, 2009. On March 29, 2010, a Notice of Abandonment was mailed.

Petitioner argues that a timely reply was filed in view of the Request for Continued Examination and 3-month extension on December 11, 2009, together with the response filed December 30, 2009 using a certificate of mailing dated December 23, 2009. Petitioner submits a copy of the previously mailed correspondences, including a copy of the December 11, 2009 and December 30, 2009 return postcard receipts. Petitioner requests, in effect, that the abandonment be withdrawn.

A review of the written record confirms that the application would not have become abandoned until after December 24, 2009, in view of the appropriate extension of time filed December 11, 2009. Further, the record clearly shows that the RCE filed December 11, 2009 was made whole by the amendment filed on December 30, 2009, as the amendment filed December 30, 2009 was timely in view of the Certificate of Mailing under 37 CFR 1.8 dated December 23, 2009.

No petition fee has been charged to counsel's deposit account, nor is one due.

The holding of abandonment for failure to timely file a response to the final Office action of June 24, 2009 is withdrawn and the application is restored to pending status. The Notice of Abandonment mailed March 29, 2010 is hereby vacated.

This application is being referred to Technology Center AU 2876 for further processing of the RCE filed December 11, 2009 and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12-15-09

TO SPE OF : ART UNIT 3672

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/789444 Patent No.: 7588392

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

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

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

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

Comments: _____

DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE

3672
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DARDI & HERBERT, PLLC
220 S. 6TH ST.
SUITE 2000, U.S. BANK PLAZA
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Chandrashekhar P. Pathak	: DECISION ON REQUEST FOR
Patent Number	: 7597882	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/789,459	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/789,474	04/25/2007	Colin Jeavons	FIRSTL 3.0-001	9932

530 7590 04/11/2008

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
GAFFIN, JEFFREY A	
ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
04/11/2008	PAPER

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

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

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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Richard J. Botos
LERNER, DAVID, LITTENBERG
KRUMHOLZ & MENTLIK
600 South Avenue West
Westfield, NJ 07090

In re Application of:
Colin JEAVONS
Application No.: 11/789,474
Filed: April 25, 2007
For: EDITORIAL RELATED ADVERTISING CONTENT DELIVERY SYSTEM

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 04 April 2008, to expunge information submitted pursuant to MPEP § 724.02.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 04 April 2004 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 04 April 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

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

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

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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INTELLECTUAL PROPERTY GROUP
SEAGATE TECHNOLOGY FILES
FREDRIKSON & BYRON, PA
200 SOUTH SIXTH ST, SUITE 4000
MINNEAPOLIS, MN 55402-1425

Mail Date: 04/21/2010

Applicant	: Sham Sunder Nayar	: DECISION ON REQUEST FOR
Patent Number	: 7621037	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/789,490	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **215** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAMES R. KEOGH
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY
MINNEAPOLIS MN 55432

COPY MAILED

MAR 3 1 2008

In re Application of :
Olson, et al. :
Application No. 11/789,546 : ON PETITION
Filed: 25 April, 2007 :
Attorney Docket No. P0022702.03 :

This is a decision on the petition filed on 3 December, 2007, improvidently under 37 C.F.R. §1.47(b) and properly considered under 37 C.F.R. §1.47(a).

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

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

BACKGROUND

The record indicates:

- the instant application was filed on 25 April, 2007, without, *inter alia*, a fully executed oath/declaration;
- on 29 May, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 3 December, 2007, Petitioner Jeffrey J. Hohenshell (Reg. No. 34,109)) filed, *inter alia*, the petition with fee, request and fee for extension of time, an oath/declaration signed by co-inventors Olson, Hobday, Daigle, Reetz, Gubbin, Brisco, Steinberg, Podbeleski, Plott, Cloutier, Forest and Olig for themselves and on behalf of non-signing

co-inventor Steven C. Christian (Mr. Christian), and a statement that the entire application (description, claims, abstract and drawings) were provided to the non-signing inventor as required by law—with a copy of the transmittal letters in support of that averment and copies of follow-up Emails inquiring as to the non-signing inventor's return of documents and at least one reply Email from the non-signing inventor evidencing receipt—and further that the non-signing inventor has not responded/signed/joined in the oath/declaration, and, so, constructively refused to do so—all in satisfaction of the requirements set forth in the guidance in the Commentary at commentary at MPEP §409.03(d).

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

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.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is released to Office of Patent Application Processing (OPAP) (formerly Office of Initial Patent Examination (OIPE)) for processing as necessary before being released for examination in due course.

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

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

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

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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STEVEN C. CHRISTIAN
659 RIVIERA DRIVE
NEW BRIGHTON, MN 55112

COPY MAILED

MAR 3 1 2008

In re Application of :
Olson, et al. :
Application No. 11/789,546 : COMMUNICATION
Filed: 25 April, 2007 :
Attorney Docket No. P0022702.03 :

Dear Steven C. Christian:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

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

---

1 The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

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

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

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

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

Counsel of Record:
JAMES R. KEOGH
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY
MINNEAPOLIS MN 55432

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

§1.2 Business to be transacted in writing.

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

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JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD,
SUITE 230
CASTLE ROCK, CO 80108

COPY MAILED

JUN 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
June MEDFORD, et al	:	
Application No. 11/789,560	:	DECISION ON PETITION
Filed: April 25, 2007	:	TO WITHDRAW
Attorney Docket No. 1511A-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 June 2, 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 Robert J. Jondle on.behalf of the attorneys of record associated with Customer No. 32905.

The attorneys of record associated with Customer No. 32905 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.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JUNE MEDFORD
1331 CAPE COD CIRCLE
FORT COLLINS, CO 80525

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
11/789,560	04/25/2007	June Medford	1511A-002

CONFIRMATION NO. 9426

POWER OF ATTORNEY NOTICE

32905
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

OC00000036656964

Date Mailed: 06/25/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/02/2009.

- 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/789,595	04/25/2007	Martin Muecke	20041212-02	1060

7590 12/04/2009

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

EXAMINER	
LEE, THOMAS C	
ART UNIT	**PAPER NUMBER**
2115	
NOTIFICATION DATE	**DELIVERY MODE**
12/04/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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OIPE
JUL 0 2 2007
PATENT & TRADEMARK OFFICE

JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017

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JUN 2 5 2007

OFFICE OF PETITIONS

In re Application of
Richard G. Wilde et al
Application No. 11/048,657
Filed: January 21, 2005
Attorney Docket No. 10589-029-999

DECISION ON PETITION

This is a decision on the petition, filed February 14, 2007, which is being treated as a petition under both of the provisions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of priority to the prior-filed international Application No. PCT/US03/23183, filed July 23, 2003, and provisional Application No. 60/398,267, filed July 24, 2002.

The petition is **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 (iii) and 1.78(a)(5)(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 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. §§ 120, 365(c) and 119(e) as set forth in the Application Data Sheet filed on June 5, 2007 is accepted as being unintentionally delayed.[1]

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 365(c) and 37 CFR 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.

The rules at 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 1621 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § §120, 365(c) and 119(e) to the prior-filed applications.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

---

[1] The amendment to the specification and Application Data Sheet filed with the petition on February 14, 2007 are not acceptable and will not be entered since they include an improper incorporation by reference statement. *See* 35 U.S.C. § 132(a) and Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note also* MPEP §§ 201.06(c) and 608.04(b).

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DEC 0 1 2009

OFFICE OF PETITIONS

AT & T Legal Department - BHGL
Attn: Patent Docketing Room 2A-207
One AT&T Way
Bedminster NJ 07921

In re Application of	:	
Teresa Farias Latter, et al.	:	
Application No. 11/789,658	:	DECISION ON PETITION
Filed: April 25, 2007	:	TO WITHDRAW
Attorney Docket No. 8285-920	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 5, 2009.

The request is **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, ***assignee requested transfer of patent file to new counsel***, do not meet any 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 Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **SBC Properties, L.P.**
One AT&T Way
Bedminster, NJ 07921

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/789,673	04/25/2007	Zongchuang Liang	678-3202	1384

7590 01/27/2010
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

EXAMINER
CORRIELUS, JEAN B

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
01/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Repln. Ref: 01/28/2010 NFARMER 00155/0230
LAW:504253 Name/Number:11789673
FC: 9234 $700.00 CR

Adjustment date: 01/28/2010 NFARMER
04/27/2007 EFLORES 00000038 11789673
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
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DAVID K. LUCENTE; SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT. - COL2LGL
389 DISC DRIVE
LONGMONT, CO 80503

Mail Date: 04/21/2010

Applicant	: Yu Sun	: DECISION ON REQUEST FOR
Patent Number	: 7643239	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/789,680	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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
www.uspto.gov

KENNETH M. WELDON
334 CALICO STREET NW
SALEM, OR 97304

COPY MAILED

JUL 19 2007

OFFICE OF PETITIONS

In re Application of :
WELDON, Kenneth M. :
Application No. 11/789,684 : DECISION ON PETITION
Filed: April 25, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 23, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the statement and birth certificate of inventor Kenneth M. Weldon, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Monica A. Graves 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 3673 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/789,700	04/24/2007	Aleksandr L. Gvelesiani	480245.402	8559

500 7590 05/05/2010

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER	
ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
05/05/2010	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
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Alexandria, VA 22313-1450
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SEED INTELLECTUAL PROPERTY
LAW GROUP PLLC
701 Fifth Ave
Suite 5400
Seattle WA 98104

In re Application of:
GVELESIANI, Aleksandr
Application No. 11/789,700
Filed: April 24, 2007
For: SYSTEMS AND METHODS FOR DISPLAYING INFORMATION ABOUT BUSINESS RELATED ENTITIES

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on December 5, 2008, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1–3M be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1-3M. Page 2, lines 6-8, of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY, UT 84091-1219

Mail Date: 06/02/2010

Applicant	: Frederick Haydock	: DECISION ON REQUEST FOR
Patent Number	: 7704470	: RECALCULATION of PATENT
Issue Date	: 04/27/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/789,706	: OF WYETH
Filed	: 04/24/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

JUL 16 2010

OFFICE OF PETITIONS

In re Application of :
J. Thomas Pawlowski :
Application No. 11/789,712 : ON PETITION
Filed: April 24, 2007 :
Attorney Docket No. ROUND 3.0-067 CON :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed June 15, 2010 to revive the above-identified application.

The petition is **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 s to timely pay the issue and publication fees on or before June 14, 2010 as required by the Notice of Allowance and Fee(s) Due mailed March 12, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 15, 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(s) (1).

The required reply was not filed with instant petition. 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned or patent lapsed for failure to pay the issue. The filing of a continuing application without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned or patent lapsed for failure to the pay the issue fee or any portion thereof.

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

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

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

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DOROTHY S. MORSE
515 PARK DRIVE, NW
BRADENTON FL 34209

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SEP 18 2007

OFFICE OF PETITIONS

In re Application of :
Samuel Barran TAFOYA :
Application No. 11/789,718 : DECISION ON PETITION
Filed: April 25, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 0704-5BT5 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 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 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.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/27/2010

Applicant	: Richard L. Hartman	: DECISION ON REQUEST FOR
Patent Number	: 7668886	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/789,744	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **262** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE MD 21202-1626

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APR 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Flournoy et al.	:	
Application No. 11/789792	:	DECISION NOTING
Filing or 371(c) Date: 04/25/2007	:	JOINDER OF
Title of Invention:	:	INVENTORS
MINING UTILITY TRANSPORT	:	
VEHICLE	:	

This is in response to the Petition Under 37 CFR §1.47(a), filed December 18, 2007, and the executed oath/declaration, filed March 20, 2008, wherein all inventors joined in the application. The delay in treating this petition is regretted.

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

The Declaration has been entered and made of record.

This application is being referred to Technology Center Art Unit 3611 for docketing and examination in the normal course of business.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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HARMAN – BRINKS HOFER CHICAGO
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of :
Tim Haulick et al :
Application No. 11/789,798 : DECISION ON PETITION
Filed: April 25, 2007 : TO WITHDRAW
Attorney Docket No. 11336/1593 (P05085US) : FROM RECORD
:

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: Tim Haulick
In den Schlosswiesen 14
Blaubeuren, Germany 89143

cc: Robert P. Hart
Harman International Industries, Incorporated
8500 Balboa Boulevard
Northridge, CA 91329

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON, TX 77057

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NOV 28 2007

OFFICE OF PETITIONS

In re Application of
Daniel D. LeBlanc et al.
Application No. 11/789,803
Filed: April 24, 2007
Attorney Docket No. ULTRAPURE-1:CIP2

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is a decision on the petition filed November 8, 2007 under 37 CFR 1.47(a).

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

The above-identified application was filed on April 24, 2007, with an unsigned oath or declaration. Accordingly, on May 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 four month extension of time request and an oath or declaration signed only by joint inventor Daniel LeBlanc was filed. The petition argues that joint inventor Mark Metzger 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 Metzger 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.

Petitioner is advised that with respect to the petition fee, a review of the materials submitted with the petition on November 8, 2007 does not reveal that the petition fee has been submitted. In the absence thereof, and in accordance with the authorization to charge petitioner's deposit account for any required fees, deposit account no. 13-2166 has been charged in the amount of $200.00 for the petition pursuant to 37 CFR 1.17(g).

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

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.
11/789,829	04/25/2007	Richard Allen Hayes	AD7493 US NA	2396

7590 03/16/2009

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

EXAMINER	
KOONTZ, TAMMY J	
ART UNIT	**PAPER NUMBER**
3974	
NOTIFICATION DATE	**DELIVERY MODE**
03/16/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/13/2009 BPOWELL
04/27/2007 EAYALEW1 00000097 041928 11789829
02 FC:1111 500.00 CR
04 FC:1202 350.00 CR

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.
11/789,910	04/26/2007	Takashi Asahina	F-9344	1895

28107 7590 03/03/2010

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER	
HODGE, ROBERT W	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
03/03/2010	PAPER

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

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

: 09/983,471

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

Mailed:
In re application of
Asahina et al.
Serial No. 11/789,910
Filed: April 26, 2007
For: Sealed Prismatic Battery

MAR 0 3 2010

DECISION ON PETITION

This is a response to a Petition under 37 CFR 1.181 requesting that the Examiner include a statement that the Examiner reviewed the prior art cited in the earlier application.

2001.06(b) Information Relating to or From Copending United States Patent Applications [R-2]

If the application under examination is identified as a continuation, divisional, or continuation-in-part of an earlier application, the examiner will consider the prior art cited in the earlier application. See MPEP § 609. The examiner must indicate in the first Office action whether the prior art in a related earlier application has been reviewed. Accordingly, no separate citation of the same prior art need be made in the later application.

DECISION

The Petition is **GRANTED**.

The Examiner is directed to place a statement on the record that indicates whether the prior art in the related application has been reviewed.

/JACQUELINE STONE/

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

C. Bruce Hamburg
JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
George A. SALIBA, et al. :
Application No. 11/789,922 : DECISION ON PETITION TO
Filed: April 25, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **249212044300** :

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

The request is **DISMISSED** as moot.

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

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

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

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

cc: **QUANTUM C/O WAGNER BLECHER, LLP**
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

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United States Patent and Trademark Office
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ALBERT O COTA
5460 WHITE OAK AVE
SUITE A-331
ENCINO, CA 91316

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JUL 28 2009

OFFICE OF PETITIONS

In re Application of :
Manlin PEI, et al :
Application No. 11/789,957 :DECISION ON PETITION
Filed: April 26, 2007 : 37 CFR 1.137(b)
Attorney Docket No. 07PL11475 :

This is a decision on the petition, filed April 13, 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 July 6, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

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

(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date was mailed on April 24, 2009, however, a courtesy copy accompanies this decision on petition.

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 Technology Center Art Unit 2851.

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

for Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

cc: YONG-JIN WANG
MANLIN PEI
27639 N. COBBLESTONE CT.
VALENCIA, CA 91354

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
11/789,957	04/26/2007	Manlin Pei	07PLI1475

CONFIRMATION NO. 1847

24984
ALBERT O COTA
5460 WHITE OAK AVE
SUITE A-331
ENCINO, CA 91316

NONPUBLICATION RESCISSION LETTER

Date Mailed: 04/24/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/30/2009.

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".

/tran/

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

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

COPY MAILED

SEP 2 5 2009

OFFICE OF PETITIONS

In re Application of :
Tolan, et al. :
Application No. 11/789,960 : DECISION ON PETITION
Filed: April 26, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 331921-00003 :

This is a decision on the petition, filed July 24, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**[1].

Petitioner states that the instant nonprovisional application is the subject of an international application filed on April 28, 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.

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

[1] It is noted that petitioner questions whether the instant petition is necessary given the fact that the PCT application was incomplete and allowed to go abandoned. The undersigned consulted with the Office of Patent Legal Administration and confirmed that the filing of the PCT application triggers the abandonment provisions of 35 U.S.C. 132, regardless of whether the PCT application is pursued.

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 accompanies this decision on petition.

Deposit account 50-1214 will be charged $1,410.00 for the instant petition fee.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/789,960	04/26/2007	Mary A. Tolan	331921-00003

CONFIRMATION NO. 1409

27160
KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

NONPUBLICATION RESCISSION LETTER

Date Mailed: 09/22/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/31/2009.

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".

/kathornton mclaughl/

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

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STOUT, UXA, BUYAN & MULLINS, LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

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AUG 2 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Richard Franz, et. al.	:	
Application No. 11/789,989	:	DECISION GRANTING
Filed: April 25, 2007	:	PETITION
Attorney Docket No. D-2998CON	:	

This is a decision on the petition filed on June 7, 2007, requesting that the above-identified application be accorded a filing date of April 25, 2007, rather than the presently accorded date of April 26, 2007.

Petitioner alleges that the application was deposited in Express Mail Service on April 25, 2007. In support, the petition is accompanied by a copy of Express Mail label No. EV 516291857 US, which bears a handwritten "date-in" of April 25, 2007, as well as a stamped USPS Postal date of April 25, 2007. It is noted that the Application Transmittal Letter contained the same Express Mail label number.

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. Since the evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on April 25, 2007, the petition is **GRANTED.**

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **April 25, 2007 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/790,074	04/23/2007	Masaei Nozawa	MNL-2018-1686	8897

7590 08/05/2009

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

EXAMINER	
ESHETE, ZELALEM	

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
08/05/2009	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:
08/07/2009 0030073082

Credit Card Refund Total: $4900.00

Ac Exp..: XXXXXXXXXX2021

Adjustment date: 08/07/2009 NFARMER
07/06/2007 AWONDAF1 00000030 11790074
05 FC:1111 -500.00 OP
07 FC:1201 -1800.00 OP
08 FC:1202 -2600.00 OP

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Nixon Peabody, LLP
401 9th Street, NW
Suite 900
Washington, DC 20004-2128

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NOV 26 2008

In re Application of	:	
David G. Curry, et al.	:	
Application No. 11/790,085	:	DECISION ON PETITION
Filed: April 23, 2007	:	TO WITHDRAW
Attorney Docket No. 742307-9	:	FROM RECORD
	:	

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, 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 Jeffrey L. Costellia 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: **David G. Curry**
2530 Woodland
Sedalia, MO 65301

cc: **sComm, Inc.**
6238 Hadley Street
Raytown, MO 64133

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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
11/790,085	04/23/2007	David G. Curry	742307-9

CONFIRMATION NO. 8899

POWER OF ATTORNEY NOTICE

22204
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

Date Mailed: 11/26/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/17/2008.

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

/tswilliams/

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

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Merek, Blackmon & Voorhees, LLC
673 S. Washington St.
Alexandria VA 22314

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MAR 28 2008

OFFICE OF PETITIONS

In re Application of
Gary Greenwell
Application No. 11/790,107
Filed: April 24, 2007
Attorney Docket No. F2GRE0021.14

DECISION ON PETITION

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

This petition is hereby **Dismissed.**

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

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts which was mailed on May 15, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 16, 2007. A Notice of Abandonment was mailed on January 16, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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)(III)(C) and (D).

The instant petition lacks items (1). Although petitioner has provided a declaration, surcharge fee and re-labeled figure 11c, the drawings do not meet the requirements of 37 CFR 1.84 and 1.121(d). When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

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

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

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Merek, Blackmon & Voorhees, LLC
673 S. Washington St.
Alexandria VA 22314

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of :
Gary Greenwell :
Application No. 11/790,107 : DECISION ON PETITION
Filed: April 24, 2007 :
Attorney Docket No. F2GRE0021.14 :

This is a decision on the renewed petition under 37 CFR §1.137(b), filed May 21, 2008, to revive the above-identified application.

The petition is **GRANTED**

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts which was mailed on May 15, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 16, 2007. A Notice of Abandonment was mailed on January 16, 2008. A petition filed under 37 CFR 1.137(b) was dismissed on March 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 a corrected drawings, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of :
Richard G. Fuisz, et al. :
Application No. 11/790,131 :
Filed: April 24, 2007 :
Attorney Docket No. 847.4614X00 :

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 5, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant Richard G. Fuisz's passport. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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DW Sep-07

KENNETH W. BOWER
114 IRONSTONE LANE
ELVERSON PA 19520

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of :
Donald J. Roden : DECISION ON PETITION
Application Number: 11/790179 :
Filing Date: 04/24/2007 :
Attorney Docket Number: 70277 :
DJR :

Receipt is acknowledged of the petition filed on 13 July, 2007, concerning the U.S. Patent and Trademark Office's handling of an application assigned Application No. 11/790,179.

The petition is dismissed.

The application was filed on 24 April, 2007. However, on 16 May, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Corrected Application Papers, stating, that the application had been accorded a filing date of 24 April, 2007, and advising applicant, *inter alia*, that Figure 4 described in the specification appeared to have been omitted. A substitute specification, replacement claims, and a replacement abstract were also required.

In response, the present petition and petition fee were filed. Petitioner asserts that Figure 4 was not missing on 24 April, 2007. Instead, asserts petitioner, "all elements appearing in Fig. 4 were properly described." Petitioner has also included a substitute specification referring to Figures 4a-4d as opposed to Figure 4.

A review of the application papers reveals that the specification refers to Figures 4, 4a, 4b, 4c, and 4d. There is no drawing Figure 4 present, however. Instead, Figures 4a, 4b, 4c, and 4d, were filed with the original application papers.

Petitioner has filed, with the present petition, a substitute specification which deletes the reference to Figure 4.

It is obvious from the petition that no drawing was actually missing on 24 April, 2007. Rather, the specification referred to "Figure 4" as a result of applicant's filing error. However, the "Notice" mailed on 16 May, 2007, was correct in stating that Figure 4 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be vacated in that it stated that Figure 4 appeared to have been omitted.

The present petition was not necessitated by any error on the part of the Office and the petition fee was required upon filing of the petition. Thus, the $400.00 petition fee will not be refunded.

As stated above, it is noted that petitioner has submitted a substitute specification deleting the reference to Figure 4.

The application is being referred to the Office of Initial Patent Examination 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

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.
11/790,217	04/24/2007	Jung-Hoon Kim	P58235	8655

8439 7590 06/23/2010

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER	
SANGHAVI, HEMANG	
ART UNIT	PAPER NUMBER
2874	

NOTIFICATION DATE	DELIVERY MODE
06/23/2010	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):

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Jung-Hoon Kim
Serial No.: 11/790,217
Filed: 24 April 2007
For: PORTABLE DISPLAY DEVICE

DECISION ON PETITION
UNDER
37 C.F.R. §1.181

This is a decision on the petition under 37 C.F.R. § 1.181, filed June 30 2009, requesting that the requirement to label Figures 1-3 as "Prior Art" be withdrawn. This decision was previously held in abeyance pending response to a requirement for information under 37 CFR § 1.105 issued December 10, 2009 to clarify whether figures 1-3, described in the specification as "contemporary portable display device" is applicant's own work or prior art by another and to identify a date that is attributed to these figures if prior art by another issued.

On March 9, 2010, the Applicant filed a Declaration under 37 C.F.R. §1.132 declaring that Figures 1-3 described in the specification as "contemporary portable display device" is Applicant's own work.

Accordingly, the petition is **GRANTED**.

The requirement to label Figures 1-3 as "Prior Art" is hereby withdrawn.

Telephone inquires should be directed to Uyen-Chau N. Le at (571) 272-2397.

Richard Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical Systems and Components

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

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ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

In re Application of:
Jung-Hoon KIM
Serial No.: 11/790,217
Filed: April 24, 2007
Attorney Docket No.: P58235

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181,
REQUESTING WITHDRAWAL
OF REQUIREMENT TO LABEL
FIGURES AS PRIOR ART

This is a decision on the petition filed June 30, 2009, requesting relief from the requirement to label figures 1-3 of the above identified application as "Prior Art".

The petition is **HELD IN ABEYANCE** pending a reply from Petitioner to the 37 C.F.R. § 1.105 requirement set forth below.

A review of the record shows an initial requirement to label figures 1-3 as prior art was included in a first office action mailed on March 30, 2009. In response to the first office action petitioner, on June 30, 2009, filed an amendment, arguments and two petitions, one requesting consideration of an IDS and one requesting withdrawal of the labeling requirement.

On page 3 of the petition directed to the drawing labeling requirement, it is stated "Applicant has explained that Figures 1-3 are not 'Prior Art'." However, this explanation is inadequate. The statement "[f]igures 1-3 are not believed to constitute 'Prior Art' as that term is defined by either 35 U.S.C. § 102 or 35 U.S.C. § 103" is insufficient to establish the status of Figures 1-3 as either prior art or not. It is unclear upon what this belief is based. The figures are described as "contemporary portable display device." These words do not legally clarify the figures status. The last paragraph on page 4 of the petition states in part "[b]y identifying deficiencies in the prior art and then addressing those deficiencies, Applicant completes the inventive process." The specification on page 9 paragraph 44 states "integrated circuit 6 [of figure 1] may malfunction". This is an identification of a deficiency of the device of figure 1, and raises a question of whether this device is prior art or not. The discussion in the petition relating to the

various subsections of § 102 does not address subsection (f) and therefore is incomplete[1]. The reliance upon Ashcroft is inappropriate. While legal conclusions must be supported by evidence, the question here is who carries the burden of providing this evidence.

Requirement for Information

37 C.F.R. § 1.105 was established to permit Patent Examiners to request information from Applicants. One rationale for this was some information is readily available to applicants but is difficult for an examiner to obtain. The identification of which if any parts of an application are prior art to applicant's instant invention is a type of information that is least burdensome for an applicant to produce.

Applicant and the assignee of this application are required under 37 CFR § 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

A. In response to this requirement, please provide answers to the following interrogatory eliciting factual information:
Please clarify whether figures 1-3, described in the specification as "contemporary portable display device" is applicant's own work or prior art by another. If prior art by another, please identify a date that is attributed to these figures.

B. In response to this requirement, please provide the title, citation and copy of each publication (including any documents that were later published) that is a source used for the description of any prior art or contemporary art in the disclosure. For each publication, please provide a concise explanation of that publication's contribution to the description of the prior art or contemporary art.

The fee and certification requirements of 37 CFR § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR § 1.105 are subject to the fee and certification requirements of 37 CFR § 1.97 where appropriate.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR § 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR § 1.136(a).

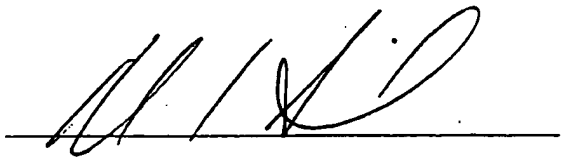
[1] Note a similar fact pattern and analysis in *Ex parte Ji-Young Lee*, Appeal 2006-2328, decided February 23, 2007, pages 37-39.

Because there is uncertainty with respect to the status of Figures 1-3 as prior art and because applicant is in the best position to produce any evidence relating to this matter, the request to withdraw the drawing requirements is premature at this time.

For the above stated reason, the petition is **HELD IN ABEYANCE**.

The application will be forwarded to the examiner for appropriate action.

Inquiries regarding this decision should be directed to Uyen-Chau Le at (571) 272-2397 or in her absence Dave Porta at (571) 272-2444.



Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JUNG-HOON KIM

Serial No.:	11/790,217	Examiner:	SANGHAVI, HEMANG
Filed:	24 April 2007	Art Unit:	2874
For:	PORTABLE DISPLAY DEVICE		

DECLARATION UNDER 37 C.F.R. §1.132

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

Sir:

1. I am Jung-Hoon Kim, a citizen of Republic of Korea, having residence at 575 Shin-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea hereby declares as follows:

2. I am the inventor of the above-referenced application (Application No. 11/790,217).

3. The subject matter which was disclosed in Figures 1-3 of the specification is my own work.

4. I am a designer for equipment, and I have designed the apparatus shown in Figures 1, 2 and 3 of the present application.

5. I discovered that there are some problems with the apparatus shown in Figures 1, 2 and 3.

6. I designed the present invention in order to overcome the problems that I had discovered in the apparatus shown in Figures 1, 2 and 3.

7. FIGS. 1, 2 and 3 are internal documents kept within my company, and the apparatus shown in FIGS. 1, 2 and 3 was not disclosed to the public.

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

[illegible] [illegible]: Before signing, please fill the missing information in the above and remove the highlight in the above declaration

2010. 03. 04

Date

Jung-Hoon KIM

Jung Hoon KIM

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.
11/790,218	04/24/2007	Sang-Gu Lee	P58317	8668

7590 10/22/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
BUI, HUNG S

ART UNIT	PAPER NUMBER
2841	

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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/22/2009 NFARMER 0017365600
DAN:024943 Name/Number:11790218
PC: 9234 $500.00 CR

Adjustment date: 10/22/2009 NFARMER
04/25/2007 YPOLITE1 00000036 11790218
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/790,229	04/24/2007	Kazutaka Itsumi	132265	8716

7590 03/06/2009

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

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
03/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Refund Ref:
03/09/2009 BPOWELL 0000166417

CHECK Refund Total: $500.00

Adjustment date: 03/09/2009 RPOWELL
04/25/2007 YPOLITE1 00000024 11790229
02 FC:1111 -500.00 OP

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DIW Apr-10

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

APR 14 2010

OFFICE OF PETITIONS

In re Application of :
Fumitake Sugano :
Application Number: 11/790262 : ON PETITION
Filing Date: 04/24/2007 :
Attorney Docket Number: :
1614.1650 :

This is a decision on the petition under 37 CFR 1.137(b) filed on February 5, 2010.

The petition is **GRANTED**.

This application became abandoned on January 14, 2010, for failure to submit corrected drawings in response to the Notice of Allowability mailed on October 13, 2009, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on January 28, 2010.

Receipt of the replacement drawing sheet filed on February 5, 2010, is acknowledged.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
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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RAYMOND SUN
20 CORPORATE PARK, SUITE 155
IRVINE, CA 92606

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of
Jung Tai Wu
Application No. 11/790,303
Filed: April 24, 2007
Attorney Docket Number: ING.079

ON PETITION

This is a decision on the petition, filed May 17, 2010 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned March 17, 2009 for failure to pay the issue fee in response to the Notice of Allowance mailed on December 16, 2008. Accordingly, the Notice of Abandonment was mailed on April 14, 2009.

The issue fee in the amount of $755, publication fee in the amount of $300 and the petition fee in the amount of $810 have been applied.

Receipt is also acknowledged of the revocation and power of attorney signed by Stanley Sieh, Legal Manager of Legal Affairs Office of Cameo Communications, Inc, the assignee. However, a review of the power of attorney discloses that it is unacceptable since it hasn't been established that the Legal Manager of Legal Affairs Office of Cameo Communications, Inc has the authority to execute the Revocation/Power of Attorney and the statement under 37 CFR 3.73(b), thus the putative assignee has not established its right to take action in accordance with 37 CFR 3.73(b).

---

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

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

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

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

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

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball
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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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

MAILED

APR 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Won-sun KIM, et al	:	
Application No. 11/790,351	:	DECISION ON PETITION
Filed: April 25, 2007	:	TO WITHDRAW
Attorney Docket No. 275.035	:	FROM RECORD
	:	

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 13, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 all of the acts noted above have been performed. Please see the attached form SB/83 Request for Withdrawal as Attorney or Agent.

The request cannot be approved because the attorneys of record were not appointed by Customer No. 27849, as indicated.

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 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 A. CASTELLANO, ESQ.
HARNESS, DICKEY & PIERCE
11730 PLAZA AMERICA DRIVE,
SUITE 600
RESTON, VA 20190

Attachment: PTO/SB/83 – Withdrawal of Attorney or Agent

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

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Hong Ki Kang	:	
Application No.11/790,438	:	DECISION ON PETITION
Filed: April 25, 2007	:	
Attorney Docket No. 3449-0825PUS1	:	

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

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 11, 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 (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1792 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RAYMOND SUN
12420 WOODHALL WAY
TUSTIN CA 92782

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Yu Ren Chen	:	
Application No. 11/790,467	:	DECISION ON PETITION
Filed: April 25, 2007	:	
Attorney Docket No. ING.080	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 6, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 7, 2008. A Notice of Abandonment was mailed June 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 response to the Restriction Requirement, (2) the petition fee of $810.00 and (3) a proper statement of unintentional delay.

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

Additionally, the request for the change in power of attorney has been accepted and the Notice enclosed. Further, the request for change of correspondence address has been accepted.

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

This application is being referred to Technology Center AU 2821 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Raymond Sun
20 Corporate Park, Suite 155
Irvine, CA 92606

Enclosure: Notice of Acceptance of Power of Attorney

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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
11/790,467	04/25/2007	Yu Ren Chen	3259-81

CONFIRMATION NO. 8538

POA ACCEPTANCE LETTER

RAYMOND SUN
12420 WOODHALL WAY
TUSTIN, CA 92782

OC000000042129933

Date Mailed: 06/16/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/14/2010.

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.

/jolszewski/

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

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

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :

Richard T. MCNAMAR :
Application No. 11/790,487 :
Filed: April 25, 2007 :
Attorney Docket No. 073246-0117 :

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 3, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by the applicant. 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.

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
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ATTN: MS. MAQUITA WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
1800 DIAGONAL ROAD
SUITE 600, MAILBOX #119
ALEXANDRIA, VA 22314

COPY MAILED

OCT 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Thomas Kwok-yin Shing WONG, et al :
Application No. 11/790,501 :
Filed: April 26, 2007 :
Attorney Docket No. IP-388A :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

Robert M. DeWitty has been withdrawn.

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

All future communications from the Office will be directed to the first signing inventor at the address copied 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: THOMAS KWOK SHING WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON, HONG KONG

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

Mail Date: 05/25/2010

Applicant	: Chia-Shun Lai	: DECISION ON REQUEST FOR
Patent Number	: 7623041	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/790,526	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **302** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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JUN 0 6 2008

In re Application of :
Richard Smolen, et al. :
Application No. 11/790,561 : DECISION ON PETITION
Filed: March 1, 2004 : TO WITHDRAW
Attorney Docket No. 19433A-004000US : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on December 19, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN R. OWEN
COATS & BENNETT, PLLC
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27511

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fujitsu Patent Center
Fujitsu Management Services of America, Inc.
2318 Mill Road, Suite 1010
Alexandria VA 22314

MAILED

JUL 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Nobutaka Imamura	:	
Application No. 11/790,668	:	DECISION GRANTING PETITION
Filed: April 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 06-50261	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 14, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLIED MATERIALS, INC.
P. O. BOX 450A
SANTA CLARA CA 95052

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SEP 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Richard David Goldberg et al. :
Application No. 11/790,682 : ON PETITION
Filed: April 26, 2007 :
Attorney Docket No: APPM/ :
010842/AGS/SPARES/DP

This is a decision on the petition filed August 4, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

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

This application became abandoned June 24, 2009 for failure to file a Substitute Oath or Declaration in response to the Notice of Allowability mailed on March 23, 2009. Accordingly, the Notice of Abandonment was mailed on July 8, 2009.

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

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

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

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

While the issue fee was previously submitted and while a substitute declaration has been filed with the instant petition, the substitute declaration is not signed by joint inventor Christopher Burgess.

This application will remain in an abandoned status until such time as the requirements set out in the Notice of Allowability have been complied with.

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APPLIED MATERIALS, INC.
P. O. BOX 450A
SANTA CLARA CA 95052

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of :
Richard David Goldberg et al. :
Application No. 11/790,682 : ON PETITION
Filed: April 26, 2007 :
Attorney Docket No: APPM/ :
010842/AGS/SPARES/DP

This is a decision on the renewed petition filed October 28, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned June 24, 2009 for failure to file a Substitute Oath or Declaration in response to the Notice of Allowability mailed on March 23, 2009. Accordingly, the Notice of Abandonment was mailed on July 8, 2009. While the issue fee was previously submitted and while a substitute declaration was filed with a petition to revive on August 4, 2009, the petition was dismissed in a decision mailed September 8, 2009 because the substitute declaration submitted was not signed by joint inventor Christopher Burgess.

The submission of the substitute oath or declaration, properly executed by joint inventor

---

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

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

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

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

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

Christopher Burgess, and as required by the Notice of Allowability mailed March 23, 2009 is acknowledged.

All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

DATE 1/30/08

APPLICATION NUMBER 11740683

DOC CODE PET.DEC.OIPE

DOC DATE

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JAN 30 2008

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Jan-08

RALPH A. DOWELL OF
DOWELL & DOWELL P.C.
2111 EISENHOWER AVE
SUITE 406
ALEXANDRIA VA 22314

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JAN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Kitai, Shi, and Xiang	:	
Application No. 11/790683	:	DECISION ACCORDING STATUS
Filing Date: 04/26/2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket Number: 15804	:	

This is a decision on the petition under 37 CFR 1.47(a), filed on December 21, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Yunxi Shi, has refused to sign and return the declaration. Specifically, petitioners have shown, via the declaration of Glen Crossley, that he hand-delivered a complete copy of the application to the non-signing inventor, but that the non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with Adrian Kitai and Yingwei Xiang.

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

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
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Yunxi Shi
1 Gary Avenue
Hamilton ON L8S 1Y2
CANADA

COPY MAILED

JAN 30 2008

OFFICE OF PETITIONS

In re Application of
Kitai et al.
Application No. 11/790,683
Filed: April 26, 2007
For: HIGH CONTRAST SPHERE-SUPPORTED THIN-FILM ELCTROLUMINESCENT DEVICES

Dear Mr. Shi:

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).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

DOWELL & DOWELL, P.C.
SUITE 406
2111 EISENHOWER AVE
ALEXANDRIA VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/790,715	04/27/2007	Ikuya Ono	H-1163-02	2923

7590 05/18/2010

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

EXAMINER	
LE, LANA N	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
05/18/2010	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 Date:
05/18/2010 [illegible]

Credit Card Refund Total: $500.00

CC Acct: XXXXXXXXXXXX[illegible]

Adjustment date: 05/18/2010 NFARMER
04/30/2007 MBERHE 00000003 11790715
02 FC:1111 -500.00 CP

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.
11/790,721	04/27/2007	Ikuya Ono	H-1163-03	2924

7590 05/17/2010

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

EXAMINER	
LE, LANA N	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
05/17/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

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APR 30 2010

OFFICE OF PETITIONS

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

In re Application of :
John L. Gainer et al :
Application No. 11/790,779 : DECISION GRANTING PETITION
Filed: April 27, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. DMB-4112-49 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 28, 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 August 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1621 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

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OCT 2 2 2007

OFFICE OF PETITIONS

In re Application of

Hubertus Hochrein et al.
Application No. 11/790,798
Filed: April 27, 2007
Attorney Docket No. 09914-0010

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Requests to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 21, 2007 and September 24, 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 requests were signed by Deborah Katz, former attorney with the firm of Finnegan, Henderson, Farabow, Garrett & Dunner.

Deborah Katz has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no outstanding Office actions at this time.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

MAILED

MAY 04 2010

OFFICE OF PETITIONS

Applicant: Ehara et al.
Appl. No.: 11/790,825
Filing Date: April 27, 2007
Title: Image Forming Apparatus Having Enhanced Controlling Method for Reducing Deviation of Superimposed Images
Attorney Docket No.: 6150-000064US
Pub. No.: US 2007/0258729 A1
Pub. Date: November 8, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 27, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error, as the specification of a copending application was published.

The request is DISMISSED as moot, as the patent has already issued.

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

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

[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).

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AUG 13 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
KIM, TAE HUN et al :
Application No. 11/790,859 :
Filed: April 27, 2007 :
Attorney Docket No. 2832-0319PUS :

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 25, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

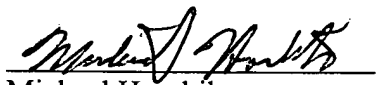
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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



Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/790,871	04/27/2007	Tae Hun Kim	2832-0320PUS1	3036

2292 7590 09/28/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
09/28/2009	ELECTRONIC

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

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

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

mailroom@bskb.com

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

In re Application of	:	
KIM, TAE HUN	:	DECISION ON REQUEST TO
Application No. 11/790,871	:	PARTICIPATE IN PATENT
Filed: April 27, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 2832-0320PUS1	:	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 13, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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

D2P

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

MAILED

MAR 06 2009

OFFICE OF PETITIONS

Gideon Samid
13 Tapiola Ct.
Rockville MD 20850

In re Application of	:	
Gideon Samid	:	
Application No. 11/790,876	:	DECISION ON PETITION
Filed: April 27, 2007	:	PURSUANT TO
Title: BIPSA: AN INFERENTIAL METHODOLOGY AND A COMPUTATIONAL TOOL	:	37 C.F.R. § 1.181(A)

This is a decision on the petition filed January 23, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 21, 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 22, 2007. A notice of abandonment was mailed on January 16, 2009.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

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.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

ANALYSIS

With this petition, Petitioner has stated that the notice of May 21, 2007 was not received at the correspondence address of record, and that he has "double checked his US PTO (sic) correspondence file and found no such Notice." A courtesy copy of this Office communication has been enclosed with this decision.

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has not provided a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO.

Second, Petitioner has not established that the docketing system is sufficiently reliable.

Third, the petition is silent as to any search that might have been performed of the file jacket (or the equivalent) and the application contents, in order to determine if the notice of May 21, 2007 was received.

Fourth, Petitioner has not provided a copy of the record(s) used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received.

Finally, Petitioner has not provided a copy of the master docket, or stated that no such master docket exists and submitted other forms of evidence (such as, but not limited to, the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question).

As such, the record does not support a finding that the holding of abandonment should be withdrawn. The petition pursuant to Rule 1.181 is dismissed accordingly.

ALTERNATE VENUE

Due to the fact that Petitioner is a pro se Applicant, it is possible that he might not maintain a docketing system, a file jacket, a master docket, an incoming mail log, a calendar, a reminder system, or an individual docket record for the application in question. It follows that Petitioner might not be in a position to adequately support his assertion of non-receipt.

If such is the case, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[1] and/or (b).[2] Unless

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1 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.

Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03c.htm#sect711.03c

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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 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.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[7] All other inquiries

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2 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.

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

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 of Petitioner's further action(s).

concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Courtesy Copy of the Notice of Missing Parts of May 21, 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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/790,876	04/27/2007	Gideon Samid	

Gideon Samid
13 Tapiola Ct.
Rockville, MD 20850

Courtesy Copy

CONFIRMATION NO. 3016
FORMALITIES LETTER

Date Mailed: 05/21/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

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

- Additional claim fees of **$300** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$300** for a small entity

- Total additional claim fee(s) for this application is **$300**
  - **$300** for **3** independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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

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

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY

Courtesy Copy

UNITED STATES 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

JUN 01 2009

OFFICE OF PETITIONS

Paper No.

Gideon Samid
13 Tapiola Ct.
Rockville MD 20850

In re Application of	:	
Gideon Samid	:	
Application No. 11/790,876	:	DECISION ON RENEWED
Filed: April 27, 2007	:	PETITION PURSUANT TO
Title: BIPSA: AN INFERENTIAL METHODOLOGY AND A COMPUTATIONAL TOOL	:	37 C.F.R. § 1.181(A)

This is a decision on the renewed petition filed on May 4, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

The renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 21, 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 22, 2007. A notice of abandonment was mailed on January 16, 2009.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

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.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on January 23, 2009, requesting that the holding of abandonment in the above-identified application be withdrawn. Petitioner stated that the notice of May 21, 2007 was not received at the correspondence address of record, and that he has "double

checked his US PTO (sic) correspondence file and found no such Notice."[1]

The original petition was dismissed via the mailing of a decision on March 6, 2009.

With this renewed petition, Petitioner has explained that when Office communications are received, he records the mail date, the date of receipt, and the due date in a "hard-copy annual organizer,"[2] which serves as a master docket, but that he is no longer in possession of the annual organizer, as it has been "disposed" of.[3] Petitioner has also explained that he maintains a "computerized log," by the name of "T*VIEW."[4]

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has not provided a statement describing the "T*VIEW" system used for recording an Office communication received at the correspondence address of record with the USPTO. Moreover, Petitioner has not established that this docketing system is sufficiently reliable.

Second, Petitioner has not provided a copy of the record(s) used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received: no print-out from the T*VIEW system has been provided, and Petitioner has indicated that he is not able to provide a copy of the annual organizer from the relevant time period. Moreover, Petitioner has indicated that he is not in a position to provide a copy of the master docket.

As such, the record does not support a finding that the holding of abandonment should be withdrawn. The petition pursuant to Rule 1.181 is dismissed accordingly.

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1 This statement is being construed to mean that Petitioner personally conducted a search of both the file jacket and the contents thereof. **Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.**

2 Renewed petition at 8.

3 Id. at 10.

4 Id. at 9.

Alternate Venue: Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[5] and/or (b).[6] Unless Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

CONCLUSION

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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,[7] hand-delivery,[8] or facsimile.[9] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[10]

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.

---

5 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.
6 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.
7 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
8 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
9 (571) 273-8300- please note this is a central facsimile number.
10 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[11] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

11 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 of Petitioner's further action(s).

UNITED STATES 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.

Gideon Samid
13 Tapiola Ct.
Rockville MD 20850

COPY MAILED

AUG 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Gideon Samid	:	
Application No. 11/790,876	:	DECISION ON SECOND RENEWED
Filed: April 27, 2007	:	PETITION PURSUANT TO
Title: BIPSA: AN INFERENTIAL	:	37 C.F.R. § 1.181(A)
METHODOLOGY AND A COMPUTATIONAL	:	
TOOL	:	

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.181(a), filed on July 31, 2009, requesting that the holding of abandonment in the above-identified application be withdrawn. A duplicate of this submission was received on August 3, 2009.

The second renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 21, 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 22, 2007. A notice of abandonment was mailed on January 16, 2009.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

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.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

> **A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.** That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).
>
> (Emphases added).

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on January 23, 2009, and was dismissed via the mailing of a decision on March 6, 2009.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on May 4, 2009, and was dismissed via the mailing of a decision on June 1, 2009. The decision on the renewed petition indicated that the record did not support a finding that the relevant Office communication was not received, since:

- the record did not contain a statement describing the "T*VIEW" electronic docketing system that Petitioner has made reference to;
- the record did not contain a showing that the electronic docketing system is sufficiently reliable;
- the record did not contain a copy of the records used by the Applicant where the allegedly non-received notice of

May 21, 2007 would have been entered had it been received (no print-out from the T*VIEW system was provided, and Petitioner indicated that he is not able to provide a copy of his hard-copy annual organizer from the relevant time period).

With this second renewed petition, Petitioner has explained that he searched for the notice in the "live recording system" and the "recovered backup system."[1] Petitioner has further included a blank page from the T*VIEW electronic docketing system (as opposed to a print-out from the relevant timeframe/file showing that the document has not been entered), along with a statement that the same is described in an outside reference.

The record does not support a finding that the notice was not received, as none of the shortcomings that appear in the bulleted section above has been satisfied. The record does not contain a statement describing the "T*VIEW" electronic docketing system, a showing that the electronic docketing system is sufficiently reliable, or a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received.

The showing required to establish nonreceipt of an Office action has not been made. As such, the record does not support a finding that the holding of abandonment should be withdrawn. This second renewed petition pursuant to Rule 1.181 is dismissed accordingly.

Alternate Venue: Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[2] and/or (b).[3] Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

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1 **The Office in interpreting these statements to refer to the T*VIEW electronic docketing system, and Petitioner must notify the Office if this interpretation is incorrect.**

2 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.

3 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.

CONCLUSION

The time period for filing a third renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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,[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] All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

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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 of Petitioner's further action(s).

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Paper No.

Gideon Samid
13 Tapiola Ct.
Rockville MD 20850

COPY MAILED

NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Gideon Samid	:	
Application No. 11/790,876	:	DECISION ON THIRD RENEWED
Filed: April 27, 2007	:	PETITION PURSUANT TO
Title: BIPSA: AN INFERENTIAL METHODOLOGY AND A COMPUTATIONAL TOOL	:	37 C.F.R. § 1.181(A)

This is a decision on the third renewed petition pursuant to 37 C.F.R. § 1.181(a), filed on October 19, 2009, requesting that the holding of abandonment in the above-identified application be withdrawn. A duplicate of this submission was received on October 21, 2009.

The third renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 21, 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 22, 2007. A notice of abandonment was mailed on January 16, 2009.

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on January 23, 2009, and was dismissed via the mailing of a decision on March 6, 2009.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on May 4, 2009, and was dismissed via the mailing of a decision on

June 1, 2009. The decision on the renewed petition indicated that the record did not support a finding that the relevant Office communication was not received, since:

- the record did not contain a statement describing the "T*VIEW" electronic docketing system that Petitioner has made reference to;
- the record did not contain a showing that the electronic docketing system is sufficiently reliable;
- the record did not contain a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received (no print-out from the T*VIEW system was provided, and Petitioner indicated that he is not able to provide a copy of his hard-copy annual organizer from the relevant time period).

A second renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on July 31, 2009 (and a duplicate of this submission was received on August 3, 2009), where Petitioner explained that he searched for the notice in the "live recording system" and the "recovered backup system," and further included a blank page from the T*VIEW electronic docketing system (as opposed to a print-out from the relevant timeframe/file showing that the document has not been entered), along with a statement that the same is described in an outside reference.

The second renewed petition was dismissed via the mailing of a decision on August 19, 2009, for failure to contain a statement describing the "T*VIEW" electronic docketing system, a showing that the electronic docketing system is sufficiently reliable, or a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received.

With this third renewed petition, Petitioner has provided a statement describing the "T*VIEW" electronic docketing system, along with a showing that the electronic docketing system is sufficiently reliable.

However, **a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered, had it been received, has not been provided to the Office**, as Petitioner has indicated that he is not possession of these records.[1]

1 See Renewed petition, page 2, paragraph 10.

It follows that the showing required to establish nonreceipt of an Office action has not been made. As such, the record does not support a finding that the holding of abandonment should be withdrawn. This third renewed petition pursuant to Rule 1.181 is dismissed accordingly.

It does not appear that Petitioner will be able to establish that the holding of abandonment should be withdrawn. Petitioner should strongly consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[2] and/or (b).[3] Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

CONCLUSION

The time period for filing a fourth renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Fourth Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

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2 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.
3 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.
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

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[8] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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 of Petitioner's further action(s).

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Paper No.

Gideon Samid
13 Tapiola Ct.
Rockville MD 20850

COPY MAILED

JAN 29 2010

In re Application of	:	
Gideon Samid	:	
Application No. 11/790,876	:	DECISION ON PETITION
Filed: April 27, 2007	:	PURSUANT TO
Title: BIPSA: AN INFERENTIAL METHODOLOGY AND A COMPUTATIONAL TOOL	:	37 C.F.R. § 1.137(A)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a) to revive the above-identified application, filed on December 31, 2009.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 21, 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 22, 2007. A notice of abandonment was mailed on January 16, 2009.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

> In the specialized field of patent law,...the Commissioner of Patent and Trademarks is primarily responsible for the

> application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference.[1]
>
> [T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense.[2]
>
> The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'[3]
>
> The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency.[4]

The burden of showing the cause of the delay is on the person seeking to revive the application.[5]

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[6]

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:

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1 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

2 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

3 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

4 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

5 Id.

6 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.
>
> In re Mattullath, 38 App. D.C. 497 (D.C. Cir. 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).

As such, the general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."[7]

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[8]

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on January 23, 2009, and was dismissed via the mailing of a decision on March 6, 2009.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on May 4, 2009, and was dismissed via the mailing of a decision on June 1, 2009. The decision on the renewed petition indicated that the record did not support a finding that the relevant Office communication was not received, since:

- the record did not contain a statement describing the "T*VIEW" electronic docketing system that Petitioner has made reference to;
- the record did not contain a showing that the electronic docketing system is sufficiently reliable;
- the record did not contain a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received (no print-out from the T*VIEW system was provided, and

7 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.
8 Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

Petitioner indicated that he is not able to provide a copy of his hard-copy annual organizer from the relevant time period).

A second renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on July 31, 2009 (and a duplicate of this submission was received on August 3, 2009), where Petitioner explained that he searched for the notice in the "live recording system" and the "recovered backup system," and further included a blank page from the T*VIEW electronic docketing system (as opposed to a print-out from the relevant timeframe/file showing that the document has not been entered), along with a statement that the same is described in an outside reference.

The second renewed petition pursuant to 37 C.F.R. § 1.181(a) was dismissed via the mailing of a decision on August 19, 2009, for failure to contain a statement describing the "T*VIEW" electronic docketing system, a showing that the electronic docketing system is sufficiently reliable, or a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received.

A third renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 19, 2009,[9] where Petitioner provided a statement describing the "T*VIEW" electronic docketing system, along with a showing that the electronic docketing system is sufficiently reliable. The third renewed petition was dismissed via the mailing of a decision which indicated that the petition was dismissed for failure to provide a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered, had it been received. The decision noted that Petitioner indicated that he is not possession of these records.[10]

With this petition pursuant to 37 C.F.R. § 1.137(a), Petitioner has asserted that in regards to his inability to sufficiently support his assertion of non-receipt of the notice of May 21, 2007, "[i]t's impossible to prove a negative."[11] Such is not the case - the process by which an applicant may establish non-receipt of an Office communication is set forth in MPEP § 711.03(c). One of the items that is a component of such a showing is a copy of the records where the non-received communication would have been entered, had it been received.

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9 A duplicate of this submission was received on October 21, 2009.
10 See Renewed petition pursuant to Rule 1.181(a), page 2, paragraph 10.
11 Petition pursuant to 37 C.F.R. § 1.137(a).

However, Petitioner is no longer in possession of these records: "[t]he annual organizer, unfortunately, has been disposed (sic) by now."[12] It follows that Petitioner is not in a position to establish that the relevant Office communication was not received.

As such, the record does not support a finding that the entire period of delay was unavoidable.

CONCLUSION

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may file a petition pursuant to 37 C.F.R. §§ 1.137(b),[13] which carries with it a much lower standard. Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner will note:

> [p]etitions under 37 CFR 1.137(b) are less burdensome…and are evaluated under the less stringent "unintentional delay" standard…[s]ince the requirements of 37 CFR 1.137(a) are more exacting than the corresponding requirements of 37 CFR 1.137(b), a petition under 37 CFR 1.137(a) is significantly less likely to be grantable as filed than is a petition under 37 CFR 1.137(b).
>
> MPEP § 711.03(c)(II)(C)

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[14] hand-delivery,[15] or

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12 Renewed petition pursuant to Rule 1.181(a), page 2, paragraph 10.
13 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.
14 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
15 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

facsimile.[16] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[17]

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 Senior Attorney Paul Shanoski at (571) 272-3225.[18] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

16 (571) 273-8300- please note this is a central facsimile number.
17 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
18 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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APR 20 2010

OFFICE OF PETITIONS

In re Application of :
Gideon Samid :
Application No. 11/790,876 : DECISION ON RENEWED PETITION
Filed: April 27, 2007 : PURSUANT TO
Title: BIPSA: AN INFERENTIAL : 37 C.F.R. § 1.137(A)
METHODOLOGY AND A COMPUTATIONAL :
TOOL :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(a) to revive the above-identified application, filed on March 16, 2010.

The renewed petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 21, 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 22, 2007. A notice of abandonment was mailed on January 16, 2009.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

> In the specialized field of patent law,…the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference.[1]
>
> [T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense.[2]
>
> The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'[3]
>
> The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency.[4]

The burden of showing the cause of the delay is on the person seeking to revive the application.[5]

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[6]

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1 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

2 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

3 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

4 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

5 Id.

6 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.
>
> In re Mattullath, 38 App. D.C. 497 (D.C. Cir. 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).

As such, the general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."[7]

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[8]

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on January 23, 2009, and was dismissed via the mailing of a decision on March 6, 2009.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on May 4, 2009, and was dismissed via the mailing of a decision on June 1, 2009.

The decision on the renewed petition indicated that the record did not support a finding that the relevant Office communication was not received, since:

- the record did not contain a statement describing the "T*VIEW" electronic docketing system that Petitioner has made reference to;

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7 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.
8 Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

- the record did not contain a showing that the electronic docketing system is sufficiently reliable;
- the record did not contain a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received (no print-out from the T*VIEW system was provided, and Petitioner indicated that he is not able to provide a copy of his hard-copy annual organizer from the relevant time period).

A second renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on July 31, 2009 (and a duplicate of this submission was received on August 3, 2009), where Petitioner explained that he searched for the notice in the "live recording system" and the "recovered backup system," and further included a blank page from the T*VIEW electronic docketing system (as opposed to a print-out from the relevant timeframe/file showing that the document has not been entered), along with a statement that the same is described in an outside reference.

The second renewed petition pursuant to 37 C.F.R. § 1.181(a) was dismissed via the mailing of a decision on August 19, 2009, for failure to contain a statement describing the "T*VIEW" electronic docketing system, a showing that the electronic docketing system is sufficiently reliable, or a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered had it been received.

A third renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 19, 2009,[9] where Petitioner provided a statement describing the "T*VIEW" electronic docketing system, along with a showing that the electronic docketing system is sufficiently reliable. The third renewed petition was dismissed via the mailing of a decision which indicated that the petition was dismissed for failure to provide a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered, had it been received. The decision noted that Petitioner indicated that he is not possession of these records.[10]

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on December 31, 2009, and was dismissed via the mailing of a decision on January 29, 2010, which explained that the process

9 A duplicate of this submission was received on October 21, 2009.
10 See renewed petition pursuant to Rule 1.181(a), page 2, paragraph 10.

by which an applicant may establish non-receipt of an Office communication is set forth in MPEP § 711.03(c). The decision indicated that one of the items that is a component of such a showing is a copy of the records where the non-received communication would have been entered, had it been received, and further explained, *in pertinent part*:

> However, Petitioner is no longer in possession of these records: "[t]he annual organizer, unfortunately, has been disposed (sic) by now."[11] It follows that Petitioner is not in a position to establish that the relevant Office communication was not received.
>
> Decision on original petition, page 5.

With this renewed petition pursuant to 37 C.F.R. § 1.137(a), Petitioner argues that this application was published on November 29, 2007.[12] Petitioner further argues that another application which he has currently pending before the Office contains papers that were allegedly misplaced by the Office. Neither of these events is relevant to the abandonment of this application.

It follows that the record does not support a finding that the entire period of delay was unavoidable.

CONCLUSION

If reconsideration of this decision is desired, any response to this decision 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. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may file a petition pursuant to 37 C.F.R. §§ 1.137(b),[13] which carries with it a much lower standard. Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

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11 Renewed petition pursuant to Rule 1.181(a), page 2, paragraph 10.
12 A review of the electronic record shows that a non-publication request was not present on filing.
13 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.

Petitioner will note:

> [p]etitions under 37 CFR 1.137(b) are less burdensome...and are evaluated under the less stringent "unintentional delay" standard...[s]ince the requirements of 37 CFR 1.137(a) are more exacting than the corresponding requirements of 37 CFR 1.137(b), a petition under 37 CFR 1.137(a) is significantly less likely to be grantable as filed than is a petition under 37 CFR 1.137(b).
>
> MPEP § 711.03(c)(II)(C).

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[14] hand-delivery,[15] or facsimile.[16] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[17]

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 Senior Attorney Paul Shanoski at (571) 272-3225.[18] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

14 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
15 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
16 (571) 273-8300- please note this is a central facsimile number.
17 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
18 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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MAILED

Paper No.

JUN 28 2010

OFFICE OF PETITIONS

Gideon Samid
13 Tapiola Ct.
Rockville MD 20850

In re Application of	:	
Gideon Samid	:	
Application No. 11/790,876	:	DECISION ON SECOND RENEWED
Filed: April 27, 2007	:	PETITION PURSUANT TO
Title: BIPSA: AN INFERENTIAL METHODOLOGY AND A COMPUTATIONAL TOOL	:	37 C.F.R. § 1.137(A)

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.137(a) to revive the above-identified application, filed on June 8, 2010.

The second renewed petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 21, 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 22, 2007. A notice of abandonment was mailed on January 16, 2009.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

> In the specialized field of patent law,…the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference.[1]
>
> [T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense.[2]
>
> The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'[3]
>
> The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency.[4]

The burden of showing the cause of the delay is on the person seeking to revive the application.[5]

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[6]

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1 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

2 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

3 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

4 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

5 Id.

6 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.
>
> In re Mattullath, 38 App. D.C. 497 (D.C. Cir. 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).

As such, the general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."[7]

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[8]

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on January 23, 2009, and was dismissed via the mailing of a decision on March 6, 2009.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on May 4, 2009, and was dismissed via the mailing of a decision on June 1, 2009.

A second renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on July 31, 2009 (and a duplicate of this submission was received on August 3, 2009), and was dismissed via the mailing of a decision on August 19, 2009.

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7 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.
8 Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

A third renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 19, 2009.[9] The third renewed petition was dismissed via the mailing of a decision which indicated that the petition was dismissed for failure to provide a copy of the records used by the Applicant where the allegedly non-received notice of May 21, 2007 would have been entered, had it been received. The decision noted that Petitioner indicated that he is not possession of these records.[10]

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on December 31, 2009, and was dismissed via the mailing of a decision on January 29, 2010, which explained that the process by which an applicant may establish non-receipt of an Office communication is set forth in MPEP § 711.03(c). The decision indicated that one of the items that is a component of such a showing is a copy of the records where the non-received communication would have been entered, had it been received, and further explained, *in pertinent part*:

> However, Petitioner is no longer in possession of these records: "[t]he annual organizer, unfortunately, has been disposed (sic) by now."[11] It follows that Petitioner is not in a position to establish that the relevant Office communication was not received.
>
> Decision on original petition, page 5.

A renewed petition pursuant to 37 C.F.R. § 1.137(a) was filed on March 16, 2010, and was dismissed via the mailing of a decision on April 20, 2010.

With this second renewed petition pursuant to 37 C.F.R. § 1.137(a), Petitioner argues:

1. The Office was not timely in notifying Petitioner of the abandonment of his application, and;
2. The Office allegedly mishandled a paper in another application that is not related to the present application.

Regarding the first argument, any action/inaction of the Office that occurred subsequent to the abandonment of this application is not relevant to the abandonment of the same.

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9 A duplicate of this submission was received on October 21, 2009.
10 See renewed petition pursuant to Rule 1.181(a), page 2, paragraph 10.
11 Renewed petition pursuant to Rule 1.181(a), page 2, paragraph 10.

Regarding the second argument, the alleged mishandling of a paper in a different application is not relevant to the abandonment of this application.

It follows that the record does not support a finding that the entire period of delay was unavoidable.

CONCLUSION

It does not appear that Petitioner will be able to establish that the entire period of delay was unavoidable. Petitioner's only relief is a petition under 37 C.F.R. § 1.137(b), and - having been made aware of this reality - **any delay in promptly seeking relief under 37 C.F.R. § 1.137(b) may be considered evidence of intentional delay and an absolute bar to revival.**

NOTICE:

If reconsideration of this decision is desired, any response to this decision 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. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704. **Thereafter, there will be no further reconsideration of this matter**[12,13].

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[14] hand-delivery,[15] or

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12 For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Louden, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894). An invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness in conferring this benefit upon the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82; 281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R. §§ 1.181, 182, 183.

13 If, on the third request for reconsideration, Petitioner fails to satisfy the showings burden required: (a) the resulting decision may be one viewed as final agency action; and (b) provisions for reconsideration, such as those at 37 C.F.R. § 1.137(e), will **not** apply to that decision.

14 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

15 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

facsimile.[16] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[17]

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 Senior Attorney Paul Shanoski at (571) 272-3225.[18] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

16 (571) 273-8300- please note this is a central facsimile number.
17 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
18 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/790,878	04/27/2007	Hirotaka Kohno	132319.01	3034

25944 7590 03/02/2010

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

EXAMINER	
RIDDLE, CHRISTINA A	

ART UNIT	PAPER NUMBER
2882	

NOTIFICATION DATE	DELIVERY MODE
03/02/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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20100223

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

In re Application of	:	
Hirotaka KOHNO et al.	:	DECISION ON PETITION
Application No. 11/790,878	:	TO SUSPEND PROSECUTION
Filed: April 27, 2007	:	UNDER 37 C.F.R. § 1.103
Attorney Docket No. 132319.01	:	

This is a decision on the petition, filed December 18, 2009, requesting that the prosecution of the above-identified application be suspended under 37 C.F.R. § 1.103(a) for a period of 6 (six) months.

The petition is DENIED.

Petitioner requested suspension so that the assignee can assess and evaluate the trend in the assignee's product development in relation to the application claims to determine whether the potential future costs of further prosecuting the application are warranted. Petitioner also states that the application includes claims copied from US Patent 7,602,470, and thus there is a possibility of an interference between the present application and said patent.

Petitioner submitted an amendment on November 27, 2009, in response to the non-final Office action mailed May 27, 2009.

Suspension of action is governed by 37 C.F.R. § 1.103. 37 C.F.R. § 1.103(a) states as follows:

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Pursuant to 37 C.F.R. § 1.103(a), the Office may grant suspension of action by the Office for good and sufficient cause. The assignee's assessment and evaluation of the trend in their product development to determine whether the potential future costs of further prosecuting the

application are warranted are unrelated to the examination of the application and are not absolutely necessary to determine the right of the applicant to a patent on the application. Consequently, the petition fails to set forth good and sufficient cause to justify suspension of action and is hereby denied.

The examiner will issue an Office action.

Any inquiry regarding this decision should be directed to Ed Glick, Supervisory Patent Examiner, at (571) 272-2490.

/Edward J Glick/
Supervisory Patent Examiner, GAU 2882

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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Mail Date: 04/21/2010

Applicant	: James F. Zucherman	: DECISION ON REQUEST FOR
Patent Number	: 7635377	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/790,907	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **23** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/790,915	04/27/2007	Adrianus Josephes Van Den Nieuwelaar	37814/341789	1950

23370 7590 09/23/2008

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

EXAMINER	
PRICE, RICHARD THOMAS JR	

ART UNIT	PAPER NUMBER
3643	

MAIL DATE	DELIVERY MODE
09/23/2008	PAPER

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

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

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11790915	4/27/07	VAN DEN NIEUWELAAR ET AL.	37814/341789

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

EXAMINER
PETER M.. POON

ART UNIT	PAPER
3643	20080917

DATE MAILED:

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

Commissioner for Patents

This is in response to the petition to Request To Correct Inventorship Pursuant to 37 CFR 1.324 filed on June 30, 2008. Please see attachment.

/Peter M. Poon/
Supervisory Patent Examiner, Art Unit 3643

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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In re Patent No. VAN DEN NIEUWELAAR ET AL.
Issue Date: March 18, 2008
Appl No.: 11/790,915
Filed: April 27, 2007
For: Method and Device for Processing a Carcass Part of a Slaughtered Poultry

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed June 30, 2008 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.

/Peter M. Poon/
Supervisory Patent Examiner, Art Unit 3643

Peter M. Poon
Supervisory Patent Examiner
Art Unit 3643
Technology Center 3600

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of
Steffen Loeffler
Application No. 11/790,934
Filed: April 30, 2007
Attorney Docket No. VT062732

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**.

R. Eugene Varndell, Jr.; David G. Posz; James E. Barlow; Cynthia K. Nicholson; Brian C. Altmiller; Robert Scott II; and Debra G. Shoemaker have been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The request was signed by David G. Posz.

All future correspondence will be directed to assignee Infineon Technologies North America Corp. 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: Infineon Technologies North America Corp.
c/o Qimonda AG
Patent Administration Postfach 83 07 07
Munich, D-81707
Germany

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United States Patent and Trademark Office
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED

MAR 18 2009

OFFICE OF PETITIONS

In re Application of :
Khare et al. :
Application No. 11/790989 :
Filing or 371(c) Date: 04/30/2007 :
Attorney Docket Number: :
2207/986502 : ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment (37 CFR 1.181)," filed February 11, 2009.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed July 14, 2008. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on October 15, 2008. A Notice of Abandonment was mailed February 4, 2009.

With the present petition, Applicant has demonstrated non-receipt of the Office Action by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2185 for re-mailing of the Office action and re-setting the period for reply.

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

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

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Alexandria, Virginia 22313-1450
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DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

Mail Date: 04/20/2010

Applicant	: Yuji Kintaka	: DECISION ON REQUEST FOR
Patent Number	: 7605103	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/790,993	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

28 NOV 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWEITZER CORNMAN GROSS & BONDELL LLP
292 MADISON AVENUE - 19TH FLOOR
NEW YORK, NY 10017

In re Application of CHAVA et al	:	
U.S. Application No.: 11/791,048	:	
PCT Application No.: PCT/IN2004/000211	:	
Int. Filing Date: 19 July 2004	:	DECISION
Priority Date Claimed: (none)	:	
Attorney Docket No.: 0288-045P/JAB	:	
For: METHYL 2-[(3S)-[3-[(2E)-(7-CHLORO QUINOLIN-2-YL) . . .	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 17 May 2007.

BACKGROUND

On 19 July 2004, applicant filed international application PCT/IN2004/000211. A copy of the international application was communicated to the USPTO from the International Bureau on 26 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 19 January 2007.

International application PCT/IN2004/000211 became abandoned as to the United States for failure to timely pay the basic national fee.

On 17 May 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

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

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the given names and surnames of the inventors are improperly reversed on the declaration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

23 JUN 2008

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SCHWEITZER CORNMAN GROSS & BONDELL LLP
292 MADISON AVENUE - 19th FLOOR
NEW YORK NY 10017

In re Application of	:	
CHAVA et al.	:	
Application No.: 11/791,049	:	DECISION ON
PCT No.: PCT/IN2004/000212	:	
Int. Filing Date: 19 July 2004	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: 0288-046P/JAB	:	37 CFR 1.137(b)
For: PROCESS FOR THE PREPARATION OF	:	
MONTELUKAST AND ITS SALTS	:	

This decision is in response to applicants' submission filed 17 May 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 July 2004, applicant filed international application PCT/IN2004/000212 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the USPTO from the International Bureau on 26 January 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 January 2007.

On 17 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 17 May 2007.

As to item (2), applicant submitted the petition fee on 17 May 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventors under PCT Rule 4.17(iv) filed in the international application is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in all of the named inventor between the published international application (Satyanarayana CHAVA, Seeta Ramanjaneyulu GORANTLA, Venkata Sunil Kumar INDUKURI, Srinivas SIMHADRI, and Vera Venkata Krishna Kishore JAMMULA) and the declaration of inventors (Chava SATYANARAYANA, Gorantla Seeta RAMANJANEYULU, Indukuri Venkata Sunil KUMAR, Simhadri SRINIVAS, and Jammula Vera Venkata Krishna KISHORE). Because this difference in names is more than a mere typographical error or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from each of the inventors. This statement should set forth that each is a joint inventor of the subject matter of the present application and should set forth the circumstances surrounding the difference in names on the international application and the declaration.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. A proper response would include either a new declaration naming the inventors as they are named in the international application and signed by them, or a petition under 37 CFR 1.182 as discussed above.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office

of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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KLARQUIST SPARKAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

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JAN 22 2010

Applicant: Jackie Y. Ying, et al.
Appl. No.: 11/791,074
International Filing Date: June 20, 2005
Title: SCAFFOLD AND METHOD OF FORMING SCAFFOLD BY ENTANGLING FIBRES
Attorney Docket: 6565-78669-01
Pub. No.: US 2009/0069825 A1
Pub. Date: March 12, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 12, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in Claims 3, 13, 17 and 28.

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]

With respect to the error in Claim 13, in which claim 13 depends from "claim 1 rather than 11" such an error is not material. The text of some of the amendment such as the text of the numeral "11" is faint.

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is faint, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have

[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).

been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1). With respect to the error in claim 3 and 28 wherein "Si----O should read Si-O", and in claim 17 where the word "bringing" is misprinted as "brining", are not material Office errors. They do not affect the understanding of the application. The errors do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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

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

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Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

19 OCT 2007

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

In re Application of	:	
SEHDEV, et al.	:	DECISION ON REQUEST
U.S. Application No.: 11/791,107	:	FOR WITHDRAWAL AS
PCT No.: PCT/GB2005/004397	:	ATTORNEY OF RECORD
Int. Filing Date: 16 November 2005	:	
Priority Date: 19 November 2004	:	
Attorney Docket No.: CELL-0325	:	
For: PROCESS FOR OBTAINING ANTIBODIES	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent Of Record And Change Of Correspondence Address" (Form PCT/SB/83) filed 02 October 2007.

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. ...
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Jane E. Inglese has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 23377.

There is no pending Office communication in this application for which the time period for response will expire in the next 30 days.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3294
Fax: (571) 273-0459

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

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OFFICE OF PETITIONS

In re Application of :
SEHDEV, Mukesh et al. :
Application No. 11/791,108 : DECISION ON PETITION
Filed: May 17, 2007 : TO WITHDRAW
Attorney Docket No. **CELL-0326** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 02, 2007.

The request is **NOT APPROVED** 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 November 12, 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 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP**
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

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31 OCT 2007

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

In re Application of	:	DECISION ON REQUEST
ADAMS et al.	:	
Application No.: 11/791,109	:	FOR WITHDRAWAL
Attorney's Docket No.: CELL-0324	:	
For: NEUTRALISING ANTIBODY MOLECULES	:	AS ATTORNEY
HAVING SPECIFICITY FOR HUMAN IL-17	:	

This is in response to "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" filed 02 October 2007. Jane Inglese has requested that he and the attorneys/agents associated with Customer Number 23377 be withdrawn as attorneys or agents of record. No fee is required.

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> The Commissioner of Patents and Trademarks usually requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with and since there are no outstanding responses due, the request to withdraw as attorney of record is **GRANTED**.

All future communications will be forwarded to McDonnell Boehnen Hulbert & Berghoff LLP, at the address indicated in "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" filed 02 October 2007.

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.

A copy of this decision and the withdrawal request will be forwarded to McDonnell Boehnen Hulbert & Berghoff LLP.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (271) 272-3301
Facsimile: (571) 273-0459

CC: MCDONELL BOEHNEN HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, IL 60606

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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	: Hiroatsu Endo	: DECISION ON REQUEST FOR
Patent Number	: 7626382	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,123	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **427** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

17 DEC 2007

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HUTCHISON LAW GROUP PLLC
P.O. Box 13969
Raleigh, NC 27612

In re Application of	:	
BLASCO et al	:	DECISION ON
Application No.: 11/791,191	:	
PCT No.: PCT/EP2005/012528	:	
Int. Filing Date: 23 November 2005	:	
Priority Date: 25 November 2004	:	PETITION UNDER
Attorney Docket No.: BASF.10222WOUS	:	
For: METHOD FOR ENHANCING THE	:	
EFFECTIVENESS OF ETHABOXAM	:	37 CFR 1.181

This decision is in response to the "PETITION UNDER 37 CFR 1.181" filed 26 October 2007, requesting acceptance of a copy of the Declaration purportedly filed in the USPTO on 17 May 2007. Applicants have submitted, inter alia, a copy of the 17 May 2007, US PTO stamped itemized postcard receipt. The itemized postcard lists, inter alia, the following item, declaration.

BACKGROUND

On 17 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed Declaration or Oath was provided with the transmittal letter at such time.

On 30 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application. In addition, the surcharge for providing the oath or declaration later that the appropriate 30 months from the priority date (37 CFR 1.492(e)).

On 26 October 2007 submitted this petition indicating that applicants filed all the required documents and fees including the executed declaration on May 17, 2007.

DISCUSSION

Applicant's present petition accompanied by a copy of the itemized postcard stamped by the USPTO and states the following documents were on such date:

(1) Executed Declaration
(2) Transmittal letter
(3) Charge 1,290.00 to Deposit Account

The postcard lists the above items and bears a USPTO date of stamp as 17 May 2003.

MPEP 503 provides:

> A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that an executed Declaration was deposited with the U.S. Patent and Trademark Office on 17 May 2007.

Accordingly, the date of receipt for the Declaration is 17 May 2007.

DECISION

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

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for issuance of a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C.§ 371 date of **17 May 2007**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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26 SEP 2007

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Novartis
Corporate Intellectual Property
One Health Plaza, Building 104/3
East Hanover, NJ 07936-1080

In re Application of
HEINRICH et al.
Application No.: 11/791,252
PCT No.: PCT/EP05/09933
Int. Filing Date: 15 September 2005
Priority Date: 16 September 2004
Attorney Docket No.: CL/V33950-US-PCT
For: PROCESS AND APPARATUS FOR THE PRODUCTION OF MOULDINGS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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

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10 JUL 2008

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

In re Application of:
FAVREAU, Jean-Chretien, et al.
U.S. Application No.: 11/791,254
PCT No.: PCT/FR2004/000911
International Filing Date: 14 April 2004
Priority Date: 19 April 2003
Atty Docket No.: T2151-12475US01
For: FLEXIBLE SCREEN COMPRISING CATHODIC MICROTUBES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 21 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 19 October 2005 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement executed by each of the inventors that "the entire delay, from the due date for fulfilling the requirements to enter the national stage under 35 U.S.C. 371 for the above-captioned application until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional." These statements satisfy the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicants' 21 May 2007 submission included an executed declaration in compliance with 37 CFR 1.497, and a translation into English of the international application. Deposit Account No. 50-1165 will be charged the $130 surcharge for filing the declaration later than thirty months after the priority date and the $130 processing fee for filing the English translation later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 May 2007.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Jan Tavernier	: DECISION ON REQUEST FOR
Patent Number	: 7575878	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,264	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2007	: 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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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

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OFFICE OF PETITIONS

In re Application of :
Masanobu KATAGI et al. :
Application No. 11/791,283 : DECISION ON PETITION
Filed: May 22, 2007 :
Attorney Docket No. SONYJP 3.3-500 :

This is a decision on the petition, filed October 5, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed September 22, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 5, 2009.

Petitioner asserts that the non-final Office action dated September 22, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2436 for re-mailing the Office action of September 22, 2008. The period for reply will run from the mailing date of the Office action.

David A. Bucci
Petitions Examiner
Office of Petitions

0 8 FEB 2008

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Joseph J. Laks
Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
Princeton, NJ 08543

In re Application of	:	
CHIU, Ronald et al.	:	
Application No.: 11/791,290	:	DECISION
PCT No.: PCT/EP2005/056133	:	
Int. Filing Date: 22 November 2005	:	ON PETITION UNDER
Priority Date: 09 December 2004	:	
Docket No.: PA040037	:	37 CFR 1.47(a)
For: USB CONNECTOR	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 26 October 2007.

BACKGROUND

On 22 November 2005, applicants filed international application no. PCT/EP2005/056133, claiming a priority date of 09 December 2004. A copy of the international application was transmitted to the Office on 15 June 2006. The deadline for payment of the basic national fee in the United States was 09 June 2007.

On 22 May 2007, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 13 September 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 26 October 2007, applicants filed this petition under 37 CFR 1.47(a) and a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) have been met. (1) The balance of the $200 petition fee will be charged to deposit account no. 07-0832, as authorized. (3) The petition lists the last known address of non-signing inventor Chee Hong Lee as #1202, Dongyuan Yi St. No. 26 GETDD; 510730 Guangzhou, Guangzhou Province, China. (4) The declaration of the inventors complies with 37 CFR 1.47(a).

Item (2) has not been satisfied. Applicants have not provided a declaration of a person with firsthand knowledge of the attempts to locate Mr. Lee. MPEP 409.03(d)(I). Additionally, a diligent effort should be supported by internet searches attempting to locate a current and valid address for the non-signing inventor.

Additionally, much of the tracking information and the notations on the envelopes are not in English and translations have not been furnished. Non-translated, non-English material will not be considered.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

02 JUN 2008

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Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
Princeton, NJ 08543

In re Application of	:	
CHIU, Ronald et al.	:	
Application No.: 11/791,290	:	DECISION
PCT No.: PCT/EP2005/056133	:	
Int. Filing Date: 22 November 2005	:	ON PETITION UNDER
Priority Date: 09 December 2004	:	
Docket No.: PA040037	:	37 CFR 1.47(a)
For: USB CONNECTOR	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 31 March 2008.

BACKGROUND

On 08 February 2008, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 31 March 2008, applicant submitted this renewed petition.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) were previously satisfied. (1) The balance of the $200 petition fee will be charged to deposit account no. 07-0832, as authorized. (3) The petition lists the last known address of non-signing inventor Chee Hong Lee as #1202, Dongyuan Yi St. No. 26 GETDD; 510730 Guangzhou, Guangzhou Province, China. (4) The declaration of the inventors complies with 37 CFR 1.47(a).

Item (2) has now been satisfied. Applicants have provided a declaration of a person with firsthand knowledge of the attempts to locate Mr. Lee and documentation of an attempt to locate a current address.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **26 October 2007**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

0 2 JUN 2008

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Chee Hong Lee
#1202, Dongyuan Yi St. No. 26 GETDD
510730 Guangzhou, Guangzhou Province
China

In re Application of
CHIU, Ronald et al.
Application No.: 11/791,290
PCT No.: PCT/EP2005/056133
Int. Filing Date: 22 November 2005
Priority Date: 09 December 2004
Docket No.: PA040037
For: USB CONNECTOR

Dear Mr. Lee:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

Joseph J. Laks
Thomson Licensing LLC
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17 MAR 2008

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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN, VA 22102

In re Application of	:	
Soula et al.	:	
Application No.: 11/791,336	:	DECISION
PCT No.: PCT/FR2005/050969	:	
Int. Filing Date: 21 November 2005	:	ON
Priority Date: 23 November 2004	:	
Attorney Docket No.: 022290.0179PTUS	:	PETITION
For: Solid, Oral Drug Form Which Has Been Designed To Prevent Misuse	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 09 January 2008.

BACKGROUND

This international application was filed on 21 November 2005, claimed an earlier priority date of 23 November 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 01 June 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 23 May 2007. Applicants filed *inter alia* the basic national fee on 23 May 2007.

On 18 September 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the petition fee has been paid.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Soula has refused to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address

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

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

The evidence accompanying the petition shows that, within the meaning of 37 CFR 1.47(a), Mr. Soula's conduct constitutes a refusal to execute the application. Specifically, petitioner has shown that Mr. Soula has been presented with (at least) a copy of the application and a declaration document, and has failed to return the executed declaration. Therefore, requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition states the last-known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship accompanying the instant petition reveals that it has been executed by joint inventor Frederic DARGELAS on behalf of himself and non-signing inventor Soula. This document is directed to "the specification of which is attached hereto," and is attached to an English translation of the international application (thereby identifying the application which is being executed). This declaration is acceptable for purposes of compliance with requirement (4).

DECISION

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **09 January 2008**.

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

United States Patent and Trademark Office

Commissioner for Patents
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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Gerard SOULA) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/FR2005/050969 and was filed on November 21, 2005 in the names of Gerard SOULA and Frederic DARGELAS for the invention entitled SOLID ORAL DRUG FORM WHICH HAS BEEN DESIGNED TO PREVENT MISUSE. The national stage application number is 11/791,336 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of January 9, 2008.

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13 DEC 2007

Venable LLP
P.O. Box 34385
Washington, DC 20043-9998

In re Application of :
FRANK et al. :
Application No.: 11/791,342 : DECISION ON PETITION
PCT No.: PCT/EP05/12576 : UNDER 37 CFR 1.137(b)
nt. Filing Date: 24 November 2005 :
Priority Date: 24 November 2004 :
Attorney Docket No.: 37998-245752 :
For: METHOD FOR SOLID-PHASE PEPTIDE :
SYNTHESIS AND PURIFICATION

The petition to revive under 37 CFR 1.137(b) filed 27 September 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Masatoshi Hotta	: DECISION ON REQUEST FOR
Patent Number	: 7608232	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,343	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **182** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE, SUITE 3300
MILWAUKEE, WI 53202

In re Application of	:	
Edward V. ROSCIOLI	:	
Application No. 11/791,359	:	DECISION ON PETITION
Filed: May 22, 2007	:	TO WITHDRAW
Attorney Docket No. 065508-9002-01	:	FROM RECORD
	:	

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Derek C. Stettner on behalf of the attorneys of record associated with Customer Number 23409.

The attorneys of record associated with Customer Number 23409 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.

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

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

cc: EDWARD V. ROSCIOLI
21 STONECROFT DRIVE
EASTON, PA 18045

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
11/791,359	05/22/2007	Edward V. Roscioli	065508-9002-01

CONFIRMATION NO. 2745

POWER OF ATTORNEY NOTICE

23409
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

OC000000038022880

Date Mailed: 09/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/11/2009.

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

/dcgoodwyn/

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

0 4 AUG 2008

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of	:	DECISION
TOMLINSON	:	
Application No.: 11/791,399	:	
PCT No.: PCT/GB2005/004603	:	
Int. Filing Date: 01 December 2005	:	
Priority Date: 02 December 2004	:	
Attorney Docket No.: 3440.1002-022	:	
For: PLAD DOMAIN PEPTIDES WITH INCREASED SERUM HALF LIFE DUE TO CONJUGATION TO DOMAIN ANTIBODIES	:	

This decision is in response to applicant's submission filed 31 October 2007, which has properly been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 01 December 2005, applicants filed international application PCT/GB2005/004603, which designated the United States and claimed a priority date of 02 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 June 2007 (02 June 2007 being a Saturday).

On 23 May 2007, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 July 2007, applicants filed a submission including, *inter alia*, a declaration of inventors listing Ian Tomlinson and Lucy Holt as inventors.

On 21 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of inventors filed 03 July 2007 was not in compliance with 37 CFR 1.497(a)-(b) in that an inventor (Lucy Holt) was added without supporting documentation.

On 31 October 2007, applicant filed a submission including a declaration of the inventor listing Ian Tomlinson as the sole inventor and a statement from Lucy Holt. This submission has properly been treated as a petition under 37 CFR 1.182.

DISCUSSION

37 CFR 1.41(a)(4) states:

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

The declaration filed 03 July 2007 does not list the inventorship set forth in the international application. The declaration identified two inventors while the international application identifies only one inventor. A Form PCT/IB/306 (NOTIFICATION OF THE RECORDING OF A CHANGE) from the International Bureau indicating that an inventor has been added does not appear in the file. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application and the declaration filed 03 July 2007 is not sufficient.

The declaration of the inventor filed 31 October 2007 does list the correct inventorship and is in compliance with 37 CFR 1.497(a)-(b). The remarks of Kristin A. Connarn and the statement of Lucy Hold adequately explain the error in the declaration filed 03 July 2007. The petition fee of $400 has been charged to Deposit Account 08-0380.

CONCLUSION

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

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

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

22 APR 2009

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

37509
DECHERT LLP
P.O. Box 390460
Mountain View, CA 94039-0460

In re Application of :
GUTMAN *et al* :
U.S. Application No.: 11/791,415 :
PCT No.: PCT/EP2005/012378 :
Int. Filing Date: 18 November 2005 :
Priority Date: 22 November 2004 : **DECISION**
Docket No.: 379612-005US (397525) :
For: METHODS FOR PURIFYING :
TRANS-(-)DELTA9-TETRAHYDROCAN :
NABINOL AND TRANS-(+)-DELTA9- :
TETRAHYDROCANNABINOL :

This is a decision on applicants' petition to withdraw the holding of abandonment filed 20 February 2009 which is treated under 37 CFR 1.181. No fee is required.

BACKGROUND

On 10 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), additional claim fees and a surcharge fee must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 22 December 2008, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to respond to the Form PCT/DO/EO/905 within the time period given.

On 20 February 2009, applicants filed the instant petition which was accompanied by, *inter alia*, a power of attorney and change of a correspondence address, a declaration by Wendy Tokmakidis ("Decl."), and documentary evidence in support of the petition (exhibits 1-4).

DISCUSSION

Applicants state that the Form PCT/DO/EO/905 mailed by the Office on 10 March 2008 was not received and request that the holding of abandonment be withdrawn for failure to receive an Office action.

The showing required to establish the failure to receive an Office communication consists of: (1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO; (2) a statement that the Office action was not received at the correspondence address of record; (3) a statement 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; and, (4) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed is required. *See* § 711.03(c)(I)(A) MPEP.

In this case, applicants submitted: (1) a declaration by Wendy Tokmakidis, the Intellectual Property Docket Manager of Jones Day; and, (2) a copy of the mail log cover sheets from the period 10 March 2008 through 30 April 2008.

Applicants state that the above-captioned application was transferred from Jones Day to Dechert LLP in February 2008 but that the correspondence address in the application "remained at Jones Day." Thus, the Form PCT/DO/EO/905 was mailed to the appropriate address.

In her declaration, Ms. Tokmakidis details the procedures used at Jones Day for correspondence in applications transferred to another law firm. Ms. Tokmakidis states that after entry into the mail log, a cover letter is prepared for the new counsel. A copy of the cover letter is then placed in a paper file Ms. Tokmakidis maintains. Decl. at ¶ 10. Ms. Tokmakidis attests that she "conducted a diligent search of the mail log records from the period March 10, 2008 . . . through April 30, 2008" and found "no record" of receiving any correspondence on the subject application. Decl. at ¶ 11. Ms. Tokmakidis also searched the cover letters she prepared during 2008 and "found no evidence that I ever prepared one to forward the Notification of Missing Requirements to new counsel at Dechert LLP." *Id.*

A review of the evidence verifies that Jones Day had no record in their mail log of receiving the Form PCT/DO/EO/905 mailed 10 March 2008 for the subject application. The explanation by Ms. Tokmakidis is sufficient to explain why there are no docket records in Jones Day for an application transferred to another law firm. The statements by Ms. Tokmakidis in her declaration meet the requirements of items (1) to (3) above. The documentary evidence meets the docket record requirement of item (4).

Applicants have met all of the requirements required to establish nonreceipt of an Office action outlined in § 711.03(c)(I)(A) MPEP.

CONCLUSION

For the reasons noted above, applicants' petition to withdraw the holding of

abandonment is hereby **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 22 December 2008 is **VACATED**.

Applicants must provide a declaration in compliance with 37 CFR 1.497(a) and (b), additional claim fees of $3,280.00, and a $130.00 surcharge fee within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time pursuant to 37 CFR 1.136 are available.

Failure to comply will result in the abandonment of this application.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Juergen Wilde	: DECISION ON REQUEST FOR
Patent Number	: 7584648	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,417	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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21 SEP 2007

SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS MO 63102

In re Application of TORVUND	:	
Application No.: 11/791,423	:	
PCT No.: PCT/NO05/00056	:	DECISION ON
Int. Filing: 16 February 2005	:	
Priority Date: 20 February 2004	:	PETITION TO REVIVE
Attorney Docket No.: TAND 6248	:	
For: CURRENT BUSBAR	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 22 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the oath or declaration after the thirty month period, is required.

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

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

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

COPY MAILED
JAN 08 2010

Applicant: Pages Santacana et al.
Appl. No.: 11/791,450
International Filing Date: November 30, 2005
Title: PYRIDOTHIENOPYRIMIDINE DERIVATIVES
Attorney Docket: 09605.0029
Pub. No.: US 2009/0029955 A1
Pub. Date: January 29, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 30, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the publication includes extraneous characters in two of the claims.

37 CFR 1.221 (b) is applicable:

> "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" (*emphasis added*).

A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not state why the erroneously included additional text, "[[+]]" and "for simultaneous,", should be considered a material mistake in the publication made by the Office under 37 CFR 1.221(b). The additional text does not cause the scope of the claimed subject matter to be altered, as viewed by one having ordinary skill in the art. It is not seen how this error affects the public's ability to appreciate the technical disclosure of the patent application

[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).

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. Therefore, the instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b).

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

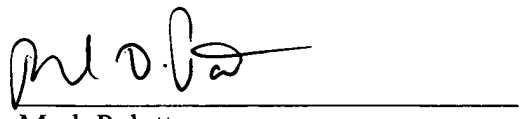
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.



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

United States Patent and Trademark Office

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17 MAR 2008

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

In re Application of	:	
Guimberteau et al.	:	
Application No.: 11/791,466	:	DECISION
PCT No.: PCT/FR2005/050922	:	
Int. Filing Date: 02 November 2005	:	ON
Priority Date: 24 November 2004	:	
Attorney Docket No.: 022290.0177PTUS	:	PETITION
For: Oral Medicament For The Modified Release Of At Least one Active Principle, In Multimicrocapsule Form	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 08 January 2008.

BACKGROUND

This international application was filed on 02 November 2005, claimed an earlier priority date of 24 November 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 01 June 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 24 May 2007. Applicants filed *inter alia* the basic national fee on 24 May 2007.

On 22 October 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the petition fee has been paid.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Soula has refused to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application

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

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

The evidence accompanying the petition shows that, within the meaning of 37 CFR 1.47(a), Mr. Soula's conduct constitutes a refusal to execute the application. Specifically, petitioner has shown that Mr. Soula has been presented with (at least) a copy of the application and a declaration document, and has failed to return the executed declaration. Therefore, requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition states the last-known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship accompanying the instant petition reveals that it has been executed by joint inventors Guimberteau, Castan and Meyrueix on behalf of themselves and non-signing inventor Soula. However, upon further review of the declaration, it is noted that the document is directed to "the specification of which is attached hereto." In that the declaration as filed was not attached to a specification, and in that it does not otherwise identify the application to which it is directed (e.g., by application number), it is not clear which application is being executed. As such, requirement (4) has *not* been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

1 4 MAY 2008

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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

In re Application of	:	
Guimberteau et al.	:	
Application No.: 11/791,466	:	DECISION
PCT No.: PCT/FR2005/050922	:	
Int. Filing Date: 02 November 2005	:	ON
Priority Date: 24 November 2004	:	
Attorney Docket No.: 022290.0177PTUS	:	PETITION
For: Oral Medicament For The Modified Release Of At Least one Active Principle, In Multimicrocapsule Form	:	

This is a revised decision in response to the petition under 37 CFR 1.47(a) filed on 08 January 2008. The Decision mailed on 17 March 2008 is hereby **VACATED**.

BACKGROUND

This international application was filed on 02 November 2005, claimed an earlier priority date of 24 November 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 01 June 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 24 May 2007. Applicants filed *inter alia* the basic national fee on 24 May 2007.

On 22 October 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the petition fee has been paid.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Soula has refused to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands

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

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

The evidence accompanying the petition shows that, within the meaning of 37 CFR 1.47(a), Mr. Soula's conduct constitutes a refusal to execute the application. Specifically, petitioner has shown that Mr. Soula has been presented with (at least) a copy of the application and a declaration document, and has failed to return the executed declaration. Therefore, requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition states the last-known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship accompanying the instant petition reveals that it has been executed by joint inventors Guimberteau, Castan and Meyrueix on behalf of themselves and non-signing inventor Soula. This declaration is being accepted in satisfaction of requirement (4). *See* MPEP 602 - VI.

DECISION

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 January 2008**.

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

14 MAY 2008

United States Patent and Trademark Office

Commissioner for Patents
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Dr. Gerard Soula
33 rue Nungesser
69330 Meyzieu
FRANCE

In re Application of
Guimberteau et al.
Application No.: 11/791,466
PCT No.: PCT/FR2005/050922
Int. Filing Date: 02 November 2005
Priority Date: 24 November 2004
Attorney Docket No.: 022290.0177PTUS
For: Oral Medicament For The Modified Release Of At Least one Active Principle, In Multimicrocapsule Form

Dear Dr. Soula:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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

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

PATTON BOGGS LLP
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SUITE 900
MCLEAN VA 22102

UNITED STATES PATENT and TRADEMARK OFFICE

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

14 FEB 2008

PATTON BOGGS LLP
8484 Westpark Drive
Suite 900
McLean, VA 22102-5177

In re Application of	:	DECISION ON
SOULA et al	:	
PCT No.: PCT/FR2005/050973	:	
Application No: 11/791,471	:	
Int. Filing Date: 21 November 2005	:	PETITION UNDER
Priority Date: 24 November 2004	:	
Attorney's Docket No.: 022290.0178PTUS	:	
For: SOLID, ORAL, MICROPARTICULATE ... PREVENT MIUSE	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47" filed on 16 January 2008. The petition fee of 200.00 has been charged to Deposit Account No: 50-2228 as stipulated in the petition.

BACKGROUND

On 21 November 2005, petitioner filed international application PCT/FR05/050973, which claimed priority to an earlier application filed 24 November 2004.

On 24 May 2007, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 26 December 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from the date mailing or by 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 16 January 2008, petitioner filed the present petition, a declaration in support of filing on behalf of omitted inventor Gerard Soula accompanied, inter alia, an executed Declaration without the signature of Gerard Soula.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

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

Petitioner has satisfied requirements (1) - (4) of 37 CFR 1.47(a).

Regarding requirement (1), petitioner has provided the fee under 37 CFR 1.17(g).

Regarding requirement (2), in this case, it has been sufficiently demonstrated as shown by the declarations of Justin Royer and Jody A Mazzarese that a copy of the application papers mailed and received by non-signing inventor, Dr. Gerard Soula. Petitioner states that the application papers were sent to Dr. Soula on 18 October 2007 and 15 November 2007 and that no reply has been received.

Regarding requirement 3, petitioner has provided a statement of the last known address of the missing inventor.

> Dr. Gerard Soula
> 33 rue Nungesser
> Meyzieu 69330
> France

Regarding requirement 4, petitioner has provided an executed declaration signed by Florence Guimberteau on her behalf and on the behalf of the nonsigning joint inventor Gerard Soula.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **16 January 2008.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office

Telephone: (571) 272-3276
Facsimile: (571) 273-0459

DATE 2-14-08 APPLICATION NUMBER 11/791,471

DOC CODE Let. DOC DATE 2-14-08

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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14 FEB 2008

Dr. Gerard Soula
33 rue Nungesser
Meyzieu 69330
France

In re Aplication of
SOULA et al
PCT No.: PCT/FR2005/050973
Application No: 11/791,471
Int. Filing Date: 21 November 2005
Priority Date: 24 November 2004
Attorney's Docket No.: 022290.0178PTUS
For: SOLID, ORAL, MICROPARTICULATE
... PREVENT MIUSE

Dear Dr. Soula:

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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28 FEB 2008

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Guy Yonay
Pearl Cohen Zedek Katzer, LLP
1500 Broadway, 12th Floor
New York, NY 10036

In re Application of	:	
GAN	:	DECISION ON PETITION
Application No.: 11/791,517	:	
PCT No.: PCT/IL05/00409	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 19 April 2005	:	
Priority Date: 20 April 2004	:	
Attorney Docket No.: P-9913-US	:	
For: PACKAGING OR CONTAINER WITH OPTICAL INDICATOR	:	

The petition to revive under 37 CFR 1.137(b) filed 24 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and explanation regarding the delay in filing the present petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. basic national fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for the preparation and mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventor.

Derek A. Putonen
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0 1 FEB 2008

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Schweitzer Cornman Gross & Bondell, LLP
292 Madison Avenue - 19th Floor
New York NY 10017

In re Application of	:	
CHAVA, et al.	:	
Application No.: 11/791,557	:	
PCT No.: PCT/IN04/00255	:	DECISION ON PETITION
Int. Filing Date: 23 August 2004	:	
Priority Date: None	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 0288-047P/JAB	:	
For: NOVEL CRYSTALLINE OF NELFINAVIR MESYLATE	:	

The petition to revive under 37 CFR 1.137(b) filed 23 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor is required.

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Attorney Advisor
Office of PCT Legal Administration
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16 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Connolly Bove Lodge & Hutz, LLP
P.O. Box 2207
Wilmington, DE 19899

In re Application of:
WEINGARTEN et al.
Application No.: 11/791,562
PCT No.: PCT/EP05/12567
Int. Filing Date: 24 November 2005
Priority Date: 24 November 2004
Attorney Docket No.:14462-00007-US
For: PROTEIN-BIOCHIP FOR VALIDATING BINDING AGENTS

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to the declaration filed 09 January 2008, which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants are requesting to change the name of the third inventor from Verena Gruss to Verena Trappe. The $400 petition fee will be charged to counsel's Deposit Account No. 03-2775.

BACKGROUND

On 24 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; a preliminary amendment; and an application data sheet.

On 09 November 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 09 January 2008, applicant filed a declaration executed by: Petra Weingarten; Angelika Luking and Verena Gruss, now married as Verena Trappe. This statement has been treated as a petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the

spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicant requests to change the name of the third inventor from Verena Gruss to Verena Trappe. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the third inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicant's submission included the authorization to charge counsel's Deposit Account the required fees, satisfying the petition fee requirement. As for the affidavit requirement, Verena Trappe states (on the declaration of inventorship) that her name was legally changed to Verena Trappe from Verena Gruss, as a result of marriage.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Verena Gruss to Verena Trappe is GRANTED.

Based on the above, the declaration filed 09 January 2008 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.

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28 NOV 2007

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T. GREGORY PETERSON
BRADLEY ARANT ROSE & WHITE LLP
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203

In re Application of CHUNG et al	:	
U.S. Application No.: 11/791,588	:	
PCT Application No.: PCT/US2005/038380	:	DECISION
Int. Filing Date: 27 October 2005	:	
Priority Date Claimed: 27 October 2004	:	
Attorney Docket No.: P75499US02GP	:	
For: METHOD FOR TREATING GLIOMA	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 23 May 2007.

BACKGROUND

On 27 October 2005, applicant filed international application PCT/US2005/038380, which claimed priority of an earlier United States application filed 27 October 2004. The thirty-month period for paying the basic national fee in the United States expired on 27 April 2007.

International application PCT/US2005/038380 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 May 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

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

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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20 SEP 2007

Timothy J. MARTIN
MARTIN & HENSON, P.C.
9250 W. 5th Avenue, Suite 200
Lakewood, Colorado 80226

In re Application of:
WYERS, Philip, W.
U.S. Application No.: 11/791,591
PCT No.: PCT/US2005/040009
International Filing Date: 02 November 2005
Priority Date: 02 November 2004
Atty Docket No.: 2191
For: CABLE LOCK APPARATUS AND METHOD

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 12 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

Applicant has submitted the small entity basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

It is noted that applicant's 24 May 2007 submission to initiate the present national stage application included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 13-1940 will be charged the small entity surcharge required for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 May 2007.

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0 8 AUG 2007

THOMAS M. GALGANO
GALGANO & ASSOCIATES, PLLC
20 W. PARK AVENUE, SUITE 204
LONG BEACH, NY 11561

In re Application of RA et al :
U.S. Application No.: 11/791,598 :
PCT Application No.: PCT/KR2005/001790 : DECISION
Int. Filing Date: 13 June 2005 :
Priority Date Claimed: 14 July 2004 :
Attorney Docket No.: 1834-4 :
For: :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 24 May 2007.

BACKGROUND

On 13 June 2005, applicant filed international application PCT/KR2005/001790, which claimed priority of an earlier Korea application filed 14 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 19 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 14 January 2007.

International application PCT/KR2005/001790 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 May 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 13 June 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 May 2007.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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1 3 MAY 2008

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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Hoffman & Baron)
1 Becton Drive, MC 110
Franklin Lakes, NJ 07417-1880

In re Application of :
BENDEK, Antonio et al. :
Application No.: 11/791,600 : DECISION
PCT No.: PCT/US2005/042426 :
Int. Filing Date: 22 November 2005 : ON PETITION UNDER
Priority Date: 24 November 2004 :
Docket No.: P-6167(102-568 PCT/US) : 37 CFR 1.47(a)
For: AUTOMATIC RECONSTITUTION :
INJECTOR DEVICE :

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 29 February 2008.

BACKGROUND

On 22 November 2005, applicants filed international application no. PCT/US2005/042426, claiming a priority date of 24 November 2004. The deadline for payment of the basic national fee in the United States was 24 May 2007.

On 24 May 2007, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 19 October 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 29 February 2008, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors and the fee for a three month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been met. The $200 petition fee has been paid. Applicants have supplied evidence that the non-signing inventor was presented with a complete copy of the application papers and has not returned a signed declaration and has expressed a refusal to sign the declaration. Applicant states the last known address of Mr. John Laiosa as 35 Trudy Drive, Lodi, NJ 07644. The declaration submitted complies with 37 CFR 1.47(a) and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **29 February 2008**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor

PCT Legal Administration

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1 3 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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John Laiosa
35 Trudy Drive
Lodi, NJ 07644

In re Application of
BENDEK, Antonio et al.
Application No.: 11/791,600
PCT No.: PCT/US2005/042426
Int. Filing Date: 22 November 2005
Priority Date: 24 November 2004
Docket No.: P-6167(102-568 PCT/US)
For: AUTOMATIC RECONSTITUTION INJECTOR DEVICE

Dear Mr. Laiosa:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
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1 Becton Drive, MC 110
Franklin Lakes, NJ 07417-1880

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COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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SEP 19 2008

OFFICE OF PETITIONS

In re Application of :
Ken DEFREITAS :
Application No. 11/791,601 : DECISION ON PETITION
Filed: May 24, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1166/72952-PCT-US : 37 CFR 1.102(c)(1)
:

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

The petition is **GRANTED**.

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

The instant petition includes a statement made by registered attorney Paul Teng, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to Technology Center Art Unit 2882 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
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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MAR 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Laurence C. Harbige et al. :
Application No. 11/791,606 : DECISION ACCORDING STATUS
Deposited: May 25, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. LCM-604-807 :

This is in response to the petition filed February 13, 2008 under 37 CFR 1.47(a).

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

The above-identified application was deposited on May 28, 20077, without an oath or declaration. Subsequently, the instant petition under 37 CFR 1.47(a), and an oath or declaration signed by all joint inventors except joint inventor Mohammed Sharief. The petition argues that joint inventor Sharief 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 Sharief 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.

Additionally, however, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future

correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

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

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Konala Lakshmana Reddy	: DECISION ON REQUEST FOR
Patent Number	: 7610952	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,624	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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DUANE MORRIS LLP - NY
PATENT DEPARTMENT
1540 BROADWAY
NEW YORK NY 10036-4086

In re Application of	:	
NOUTARY et al.	:	
Application No.: 11/791,649	:	DECISION ON
PCT No.: PCT/GB2005/004513	:	
Int. Filing Date: 24 November 2005	:	PETITION UNDER
Priority Date: 26 November 2004	:	
Attorney Docket No.: JG-ELK-5279/501100.20020	:	37 CFR 1.137(b)
For: PRINTING INK	:	

This decision is in response to applicants' submission filed 05 November 2008.

BACKGROUND

On 24 November 2005, applicants filed international application PCT/GB2005/004513 which designated the U.S. and claimed a priority date of 26 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 May 2007 (26 May 2007 being a Saturday and 28 May 2007 being a Federal holiday).

On 25 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 10 August 2007, applicants filed a declaration of inventors.

On 13 August 2007, a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that the declaration of the inventors filed 10 August 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it was illegible and that a new declaration of inventors was required. The NOTIFICATION set a two-month extendable time period for response.

On 21 July 2008, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 13 August 2007 within the time period set therein.

On 05 November 2008, applicants filed the instant petition under 37 CFR 1.137(b) and a declaration of the inventors.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted a declaration of the inventors on 05 November 2008.

As to item (2), applicant submitted the petition fee on 05 November 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 05 November 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450,

Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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30 NOV 2007

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217

In re Application of:	:	
Vakar, Laszlo Imre et al	:	DECISION
Application No.: 11/791,668	:	
PCT Application No.: PCT/NL05/00814	:	ON PETITION
Int. Filing Date: 26 November 2005	:	
Priority Date: 26 November 2004	:	UNDER
Atty Docket No.: BARSI-1045435	:	
For: HIGH-TENSION TOWER, POWER TRANSPORTING SYSTEM, POWER TRANSPORTING METHOD AND ASSEMBLING METHOD	:	37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 12 October 2007 is **GRANTED**.

BACKGROUND

On 26 November 2004, applicant filed international application PCT/ NL05/00814. The international application designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 26 May 2007. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 26 May 2007.

On 12 October 2007, applicant filed the instant petition for revival accompanied by, *inter alia*, the petition fee under 37 C.F.R. 1.17(m), a statement that the entire delay was unintentional, corrected form PTO-1339 authorizing payment of the National Filing Fee under 37 C.F.R. 1.495(b)(2) and previously submitted form PTO-1339 (marked up) containing typographical errors relating to the deposit account number. Typographical error caused the requisite fee not to be drawn from the applicant's deposit account.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

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

CONCLUSION

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

The application has an international filing date of 26 November 2005 under 35 U.S.C. 363. The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Michael C. Zarroli
Detailee
Office PCT Legal Administration

Telephone: (571) 272-6094

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Atsushi Koike	: DECISION ON REQUEST FOR
Patent Number	: 7574897	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,685	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **281** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

In re Application of :
Bo PETTERSSON :
Application No. 11/791,707 : NOTICE UNDER 37 CFR 1.28(c)
Filed: June 18, 2007 :
Attorney Docket No. **1515-1056** :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue 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.

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.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **YOUNG & THOMPSON**
745 SOUTH 23RD STREET
ARLINGTON VA 22202

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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26 OCT 2007

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

In re Application of	:	
SCHMIDT, Oskar et al.	:	
Application No.: 11/791,730	:	DECISION
PCT No.: PCT/AT2005/000433	:	
Int. Filing Date: 04 November 2005	:	ON PETITION UNDER
Priority Date: 05 November 2004	:	
Docket No.: KSCHW1.001APC	:	37 CFR 1.137(b)
For: BIOCIDE IN PARTICULAR AN AGENT WITH FUNGICIDAL ACTIVITY	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 25 May 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration and the processing fee for late filing of the English translation will be charged to deposit account no. 11-1410, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Jun Hwan Jeong	: DECISION ON REQUEST FOR
Patent Number	: 7612648	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,740	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **290** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

OPAP
JAN 2 2 2010
PATENT & TRADEMARK OFFICE

11791746

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,632,110

Issue Date: December 15, 2009

Inventor(s): Tomoki KANOU; Tadashi TOMIKAWA; Shinji KAWAKITA

Title: ELECTRIC JUNCTION BOX

Docket No.: 132604

Certificate
JAN 26 2009
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION UNDER RULE 322

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

Sir:

It is respectfully requested that a Certificate of Correction be issued in order to correct the error specified in the attached copy of Certificate of Correction Form PTO-1050.

It is believed that the errors are on the part of the Patent and Trademark Office, and therefore no fee is due in relation to this matter in accordance with the provisions of 37 C.F.R. §1.322. However, should any fee be due, please charge the same against Deposit Account No. 15-0461 in order to ensure prompt issuance of a Certificate of Correction.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Obert H. Chu
Registration No. 52,744

JAO:OHC/eks

Date: January 22, 2010

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

Changes are acceptable- /tcp/ 3-4-2010

PTO/SB/44 (02-01)
Approved for use through 1/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Action 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 : 7,632,110 B2

APPLICATION NO.: 11/791,746

DATED : December 15, 2009

INVENTOR(S) : Tomoki KANOU et al.

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

Please delete the following:

(87) PCT Pub. No.: WO2006/057156
PCT Pub. Date: Jan. 6, 2006

And replace with:

(87) PCT Pub. No.: WO2006/057156
PCT Pub. Date: June 1, 2006

MAILING ADDRESS OF SENDER: OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

PATENT NO. 7,632,110

No. of additional copies

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100204

DATE : March 04, 2010

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction on Patent No.: 7,632,110

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:

The chnages are acceptable.

/T C Patel/
Supervisory Patent Examiner.Art Unit 2839

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15 SEP 2008

COMMISSIONER FOR PATENTS
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Young & Thompson
745 South 23rd Street
Arlington, VA 22202

In re Application of	:	
CONSTANTINOU *et al*	:	
Application No.: 11/791,756	:	
PCT No.: PCT/ZA2005/000107	:	
Int. Filing Date: 20 July 2005	:	DECISION
Priority Date: 20 July 2004	:	
Atty. Docket No.: 6501-1069	:	
For: MOUNTING MEANS FOR SECURING ARTICLES TO SURFACES	:	

This is a decision on applicants' "PETITION TO REVIVE..." filed in the U.S. Patent and Trademark Office (USPTO) on 29 May 2007. The petition was accompanied by, *inter alia,* the requisite petition fee, the basic national fee, and a declaration of the inventors. The petition is **GRANTED** as discussed below.

The present application became abandoned as to the U.S. National Stage on 20 January 2007 for failure to pay the basic national filing fee prior to the expiration of 30 months from the priority date.

A review of the application file reveals that applicants have satisfied the requirements of 37 CFR 1.137(b), and that the application satisfies the requirements under 35 U.S.C. 371 for entry into the national stage in the United States. The requisite petition fee has been charged to counsel's deposit account as authorized in the petition.

The application has an international filing date of 20 July 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **29 May 2007**.

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

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

(571) 272-3281
Fax: (571) 273-0459

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29 AUG 2007

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON VA 22202

In re Application of	:	
MIYAMOTO et al.	:	
Application No.: 11/791,759	:	DECISION ON
PCT No.: PCT/IB2004/004107	:	
Int. Filing Date: 26 November 2004	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: 0600-1097	:	37 CFR 1.137(b)
For: MODULATING RETINAL PIGMENTED EPITHELIUM PERMEATION BY INHIBITING OR ACTIVATING VEGFR-1	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 18 July 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 November 2004, applicant filed international application PCT/IB2004/004107 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the USPTO from the International Bureau on 01 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 May 2007 (26 May 2007 being a Saturday and 28 May 2007 being a Federal holiday).

On 29 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States. The submission was not accompanied by the Basic National Fee.

On 18 July 2007, applicants submitted the instant petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 18 July 2007.

As to item (2), applicant submitted the petition fee on 18 July 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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.
11/791,839	07/03/2007	Masao Seto	132535	5367

25944 7590 12/05/2008

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

EXAMINER	
SISSON, BRADLEY L	

ART UNIT	PAPER NUMBER
1634	

MAIL DATE	DELIVERY MODE
12/05/2008	PAPER

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

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

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

DEC 0 5 2008

In re Application of:
Seto et al.
Serial No.: 11/791,839
Filed: July 3, 2007
Attorney Docket No.: **132535**

DECISION ON PETITION TO RESET REPLY PERIOD DUE TO NON-RECEIPT OF OFFICE ACTION

This is in response to applicants' petition under 37 CFR. § 1.181(a), filed on November 24, 2008, to reset a mailing date for an Office action that was never received.

A review of the file history shows that the examiner mailed a final Office action August 25, 2008, setting three-month shortened statutory time period for reply.

Applicants state that the action was never received and only discovered that an Office action was mailed during a status check of PAIR. Based on the evidence presented, it is concluded that the Office action of August 25, 2008 should be remailed with a reset reply period.

Applicants' 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 at 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of :
Junichi TERAKI, et al. :
Application No. 11/791,844 : DECISION GRANTING PETITION
Filed: May 30, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **DK-US041265** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 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 April 21, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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Alexandria, VA 22313-1450
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Gary M. NATH
THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of:
ALLON, Noam, et al.
U.S. Application No.: 11/791,854
PCT No.: PCT/IL2005/000869
International Filing Date: 11 August 2005
Priority Date: 12 August 2004
Atty Docket No.: 28392U
For: INTEGRATED RETINAL IMAGER AND METHOD

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 30 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 12 February 2007 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the National Stage application, from the due date for entry into the U.S. national phase (February 12, 2007) until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied; thus, the request to revive the international application with respect to the U.S. is appropriately granted.

It is noted that applicants have not filed an executed declaration acceptable declaration under 37 CFR 1.497. Applicants did file an executed declaration pursuant to PCT Rule 4.17(iv) during the international phase. However, the executed declaration did not identify the international application number, as required where (as here) the executed declaration is filed later than the international filing date. The declaration is therefore not acceptable.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905).

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

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

31 MAR 2008

Jay F. Moldovanyl
1100 Superior Avenue
7th Floor
Cleveland, Ohio 44114-2579

In re Application of	:	
LUETHI, Matthew	:	
Application No.: 11/791,868	:	
PCT No.: PCT/GB05/050212	:	DECISION ON
Int. Filing Date: 23 November 2005	:	
Priority Date: 24 November 2004	:	PETITION FOR REVIVAL
Attorney Docket No.: BKYZ 2 00123	:	
For: VERTICAL AXIS TURBINE	:	UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTIONALLY – UNDER 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 29 May 2007.

BACKGROUND

On 23 November 2005, applicant filed international application PCT/GB2005/050212, which designated the U.S. and claimed priority date of 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 May 2007. Accordingly, PCT/GB2005/050212 became abandoned as to the United States of America at midnight 24 May 2007 for failure to timely pay the Basic National Fee.

On 29 May 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $750 petition fee has been charged to the credit card account as authorized by applicant.

Regarding item (3), the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement.

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

CONCLUSION

For the reason detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

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

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 05/19/2010

Applicant	: Kiyotaka Yanagi	: DECISION ON REQUEST FOR
Patent Number	: 7647820	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/791,881	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **415** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:	
Shoji Furusako	:	DECISION ON REQUEST TO
Application No. 11/791,888	:	PARTICIPATE IN PATENT
Filed: May 30, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 1110-0352PUS1	:	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 March 28, 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:

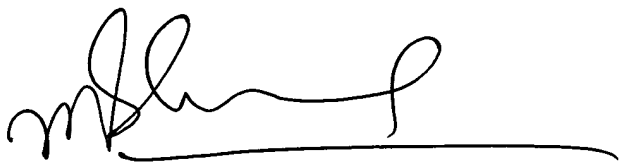
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 Ram R. Shukla at 571-272-0735.

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

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



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

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

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ALEXANDRIA, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

Applicants: Furusako, et al.
Appl. No.: 11/791,888
International Filing Date: June 5, 2006
Title: ANTI-CD14 ANTIBODY FUSION PROTEIN
Attorney Docket No.: 1110-0352PUS1
Pub. No.: 2008/0286290 A1
Pub. Date: November 20, 2008

MAILED

JUN 10 2009

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 21, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data to the PCT application is missing a digit, rather than the correct PCT/JP06/311255 it states PCT/JP06/11255. Additionally, the second inventor's name is misspelled, in that the first name should be "Kazuyuki" but it appears as "Kazayuki".

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

The error in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in not using the full application number in the benefit claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The

[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).

specification and claims were accurately published, thus one can read and understand the content of the application.

As to the inventor's name misspelling it is noted that this is not a material error either under 37 CFR 1.221(b). The error in a name is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On August 12, 2008 a Filing Receipt was mailed by the Office, which listed the second' inventor's name as "Kazayuki" and the PCT application number. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JUL 09 2009

OFFICE OF PETITIONS

Applicant: Williams et al.
Appl. No.: 11/791,889
International Filing Date: July 24, 2006
Title: COMPOSITIONS AND METHODS OF TREATING DISEASE WITH FGFR FUSION PROTEINS
Attorney Docket No.: 08940.0055
Pub. No.: US 2008/0171689 A1
Pub. Date: July 17, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 17, 2008, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains errors in the specification and claims.

The request is DISMISSED.

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

While applicant alleges that the publication contains errors, the errors have been alleged by applicant to affect the public's ability to appreciate the technical disclosure of the patent application publication.

The first error is the publication of "FGFR-IIIb" instead of "FGFR1-IIIb" in paragraph [0004]. Since this paragraph merely explains the background art, such an error does not affect the public's ability to appreciate the technical disclosure of applicant's invention set forth in the patent application publication.

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The second error is the publication of "μIIIb" instead of "IIIb" in claim 80. However, since the disclosure does not otherwise mention "μIIIb", the public would not, for instance, be led to believe that the claim referred to another disclosed embodiment. Furthermore, the requester has not argued that a "μIIIb" FGFR1 polypeptide exists such that the ability of a member of the public to appreciate the technical disclosure would be impeded.

The third error is the publication of "IgII" rather than "IgIII" in claim 87. While IgII is disclosed in the publication at paragraph 99, the only discussion in the publication of deletion being C-terminal to a valine residue situated at a C-terminus of an Ig domain is that of IgIII; see paragraphs 7, 70, and 101-105. Based upon the context of the disclosure, the public would not be impeded in its ability to appreciate the technical disclosure.

The fourth error is the printing of "FGF1" as originally filed rather than "FGF2" as amended in the original submission as text in Figure 5b. However, since the description of the drawings refers to the content of Figure 5b as being directed to FGF2, as does the disclosure at paragraph 290, the public would not be impeded in its ability to appreciate the scope of the technical disclosure.

The errors do not therefore affect the understanding of the technical disclosure of the publication. Nor do they hinder determination of the scope of the publication or any provisional rights. Review of the record therefore indicates that the indicated errors do not meet the above standard for material error.

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

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

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Rainer Scharp	: DECISION ON REQUEST FOR
Patent Number	: 7600465	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,898	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **276** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

23 JUN 2008

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of	:	
Murakami et al.	:	
Application No.: 11/791,906	:	
PCT No.: PCT/JP2005/021874	:	
Int. Filing Date: 29 November 2005	:	DECISION
Earliest Priority Date: 30 November 2004	:	
Attorney Docket No.: F-9437	:	
For: Method Of Producing Connecting Rod With Bearing, And Connecting Rod With Bearing	:	

This is in response to the correspondence filed on 30 May 2007.

BACKGROUND

International application PCT/JP2005/021874 was filed on 29 November 2005, claimed an earliest priority date of 30 November 2004, and designated the United States. The International Bureau communicated a copy of the published international application to the USPTO on 08 June 2006. The 30-month period for payment of the basic national fee in the U.S. expired as of midnight on 30 May 2007. A basic national fee was paid in application no. 11/791,906 on 30 May 2007.

On 05 June 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to counsel, indicating a 35 U.S.C. 371(c)(1), (2) and (4) date of "05/30/2007."

DISCUSSION

Review of the application file reveals ambiguity as to which international application was intended to enter the national stage. The Transmittal Letter, ADS and declaration filed on 30 May 2007 all refer to the national stage of international application "PCT/JP2005/021784," but the other indicia provided (e.g., inventor, international filing date, priority date and title) are consistent instead with PCT/JP2005/021874. In view of this discrepancy, it is not adequately clear which international application was intended to enter the national stage in the United States. A proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to resolve this ambiguity. It is also noted that the declaration of inventorship appears to be defective in that it appears to have been directed toward the wrong application.

The Notice of Acceptance (Form PCT/DO/EO/903) mailed on 05 June 2008 is hereby **VACATED**.

DECISION

Applicants have **TWO (2) MONTHS** from the mailing date of this decision, extendable under 37 CFR 1.136(a), to file a response clarifying the status of the papers submitted on 30 May 2007.

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

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

15 SEP 2008

United States Patent and Trademark Office

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

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of	:	
Murakami et al.	:	
Application No.: 11/791,906	:	
PCT No.: PCT/JP2005/021874	:	
Int. Filing Date: 29 November 2005	:	DECISION
Earliest Priority Date: 30 November 2004	:	
Attorney Docket No.: F-9437	:	
For: Method Of Producing Connecting Rod With Bearing, And Connecting Rod With Bearing	:	

This is in response to the petition under 37 CFR 1.182 filed on 25 August 2008.

DISCUSSION

In a Decision mailed on 23 June 2008, applicants were advised that

> Review of the application file reveals ambiguity as to which international application was intended to enter the national stage. The Transmittal Letter, ADS and declaration filed on 30 May 2007 all refer to the national stage of international application "PCT/JP2005/021784," but the other indicia provided (e.g., inventor, international filing date, priority date and title) are consistent instead with PCT/JP2005/021874. In view of this discrepancy, it is not adequately clear which international application was intended to enter the national stage in the United States. A proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to resolve this ambiguity. It is also noted that the declaration of inventorship appears to be defective in that it appears to have been directed toward the wrong application.

In response, applicants have filed the instant petition, which requests that the USPTO "ensure that the records in the USPTO are appropriately corrected to reflect the fact that the above-identified patent application is the U.S. National Stage of PCT/JP2005/021874." Petitioner indicates (in part) that "the submission of documents with a different U.S. PCT application number was the result of a typographical error." Petitioner has provided a Transmittal Letter, Application Data Sheet, and Preliminary Amendment showing the international application number to which they are directed to be "PCT/JP2005/021874." In view of the totality of the evidence now of record, it would be appropriate to accept applicants' statement that this application is the national stage under 35 U.S.C. 371(c)(1), (2) and (4) of PCT/JP2005/021874.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of international application PCT/JP2005/021874, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) directed toward the correct application, and the surcharge under 37 CFR 1.492(h).

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Kurt Maier	: DECISION ON REQUEST FOR
Patent Number	: 7634963	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/791,911	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **288** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MARK LEVY & ASSOCIATES, PLLC
PRESS BUILDING, SUITE 902
19 CHENANGO STREET
BINGHAMTON NY 13901

SEP 06 2007

In re Application of: LaDue
Serial No.: 11/791,921
Filed: May 29, 2007
Title: HAIR EXTENSION DEVICE

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

This is a decision on the petitions filed on July 31, August 2 and August 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 **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.

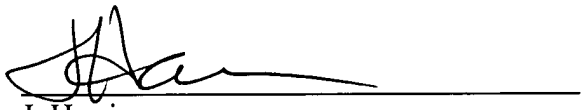
The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application.

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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ALEXANDRIA, VA 22313-1450
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29 FEB 2008

Mark Levy
MARK LEVY & ASSOCIATION, PPLC
Press Building- Ste. 902
19 Chenango Street
Binghamton, NY 13901

In re Application of	:	DECISION ON
LADUE, Michelle	:	
Application No.: 11/791,921	:	
PCT No.: PCT/US2006/003283	:	PETITION UNDER
Int. Filing Date: 31 January 2006	:	
Priority Date: 31 January 2005	:	
Attorney Docket No.: 11-728-PCT	:	37 CFR 1.182
For: HAIR EXTENSION DEVICE	:	

This decision is in response to petitioner's "PETITION UNDER 37 CFR 1.47 (a)" filed on 19 February 2008, which is being treated as a petition under 37 CFR 1.182. The petition fee of $200.00 has been charged to Deposit Account No. 50-1349 as indicated in the petition.

BACKGROUND

On 30 May 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an executed oath under 35 U.S.C. 371(c)(4). The Declaration had the new of the inventor as Michelle LaDue, and signed under that name.

On 19 February 2008, a petition was also submitted, which included an affidavit in support of the petition to change the name of the inventor from Michelle LaDue to Michelle FREELOVE.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), petitioner has provided with the petition with an affidavit from Michelle Freelove explaining her named changed from Michelle LaDue (maiden name, legal name) to Michelle FREELOVE (married named), and sets forth the procedure whereby the change of name was effected. She has also signed affidavit signed under Michelle Freelove. Therefore, item (2) has been satisfied.

CONCLUSION

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**.

The application is being returned to DO/EO/US for continue processing.

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/791,935	04/10/2008	Heino Martin Burema	006553.00012	6821

7590 09/28/2009

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SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER	
PAPE, ZACHARY	

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
09/28/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

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14 JAN 2008

FITCH, EVEN, TABIN & FLANNERY
1120 20TH Street, N.W. Suite 750S
Washington, DC 20036

In re Application of	:	DECISION ON
FINK et al	:	
Application No.: 11/791,941	:	
PCT No.: PCT/EP2005/009076	:	
Int. Filing Date: 23 August 2005	:	PETITION UNDER
Priority Date: 28 August 2004	:	
Attorney's Docket No.: 8009-88476	:	
For: IMPROVED CHECKING OF REPAIRS	:	
FOR ELECTRIC VEHICLE SYSTEMS	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 31 May 2007.

BACKGROUND

On 23 August 2005, this international application was filed, claiming an earliest priority date of 28 August 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 28 February 2007. This international application became abandoned with respect to the United States at midnight on 28 February 2007 for failure to pay the required basic national fee.

On 31 May 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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Facsimile: (571) 273-0459

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16 JAN 2008

Bogdan Goczynski
ul. Majowag 9, Rusiec,
05-830 Nadarzyn
Poland

In re Application of	:	DECISION ON
Gouzynski et al	:	
Application No.: 11/791,951	:	
PCT No.: PCT/AU2005/001199	:	
Int. Filing Date: 10 August 2005	:	PETITION UNDER
Priority Date: 17 August 2004	:	
Attorney's Docket No.: NA	:	
For: DIRECT HEATED SOLAR COLLECTOR	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 31 May 2007.

BACKGROUND

On 10 August 2005, this international application was filed, claiming an earliest priority date of 17 August 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 17 February 2007. This international application became abandoned with respect to the United States at midnight on 17 February 2007 for failure to pay the required basic national fee.

On 31 May 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. An executed declaration was filed at the time of filing the international application.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **31 May 2007.**

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PCT Legal Office
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Snider & Associates
P.O. Box 27613
Washington, DC 20038-7613

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APR 11 2008

OFFICE OF PETITIONS

In re Application of
Mari Yoshida et al.
Application No. 11/791,967
Filed: May 31, 2007
Attorney Docket No. YAN-101-PCT

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 11, 2008.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "transfer of files to new firm ," 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: Mari Yoshida
c/o Shiseido Research Center (Shin-Yokohama)
2-2-1, Hayabuchi, Tsuzuki-ku
Yokohama-shi, Kanagawa 224-8558
JAPAN

cc: Rankin, Hill & Clark, LLP
925 Euclid Avenue, Suite 700
Cleveland, OH 44115-1405

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02 MAY 2008

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

In re Application of :
ERICSSON :
Application No.: 11/791,997 :
PCT No.: PCT/SE05/01805 : DECISION ON PETITION
Int. Filing Date: 01 December 2005 :
Priority Date: 02 December 2004 : UNDER 37 CFR 1.47(b)
Atty Docket No.: 0104-063 1PUS1 :
For: A SAW BLADE AND A METHOD OF :
MANUFACTURING A SAW BLADE :

This decision is in response to the "Petition Under 37 CFR § 1.47(b)" filed 17 April 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 December 2005, applicant filed international application PCT/SE05/01805, which claimed a priority date of 02 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 June 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 02 June 2007.

On 31 May 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 19 February 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 17 April 2008, applicant responded with the present petition.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf

of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied items (1)-(4) and (6).

As to item (5), the Manual of Patent Examining Procedure (MPEP) section 409.03(f) provides that: "If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324)."

In the present case, applicant has not filed a statement under 37 CFR 3.73(b). Applicant has provided two documents to support the contention that the applicant has a proprietary interest in the invention. The first document is an agreement between Nord Center i Kalmar AB and Indocean Diamond Tools (Bermuda) Ltd (IDT). The document was executed prior to the filing of the application from which the present application claims priority. The petition indicates that this agreement is submitted as a showing that Mr. Ericsson agreed in writing to assign his rights in the invention to IDT. While the petition states that Mr. Ericsson executed the document "on behalf of himself and on behalf of Nord Center i Kalmar AB, it appears that Mr. Ericsson only executed the document in his capacity as Deputy Managing Director. In addition, it is not clear where the present invention is discussed in the agreement nor has applicant provided a statement from a person having firsthand knowledge of the facts that the invention was made by Mr. Ericsson while employed by Nord Center i Kalmar AB or if certain circumstances were required to perfect the agreement.

(See MPEP 409.03(f): If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met...When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant).

The second document is an assignment from Mr. Ericsson to IDT apparently for the present invention as it does list the corresponding title and filing date. It appears therefore that applicant has provided a valid assignment executed by Mr. Ericsson directly assigning his rights in the present invention to IDT. It is unclear why the other document was submitted to support a showing of proprietary interest. In responding with a statement under 37 CFR 3.73(b) by the assignee, clarification by applicant as to the assignment process and ownership chain as to the present invention would be helpful.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Derek A. Putonen
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 JUL 2008

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FALLS CHURCH VA 22040-0747

In re Application of	:	
ERICSSON	:	
Application No.: 11/791,997	:	
PCT No.: PCT/SE05/01805	:	DECISION ON RENEWED
Int. Filing Date: 01 December 2005	:	
Priority Date: 02 December 2004	:	PETITION UNDER
Atty Docket No.: 0104-063 1PUS1	:	
For: A SAW BLADE AND A METHOD OF MANUFACTURING A SAW BLADE	:	37 CFR 1.47(b)

This decision is in response to the "Reply to Decision on Petition Under 37 CFR § 1.47(b)" filed 22 May 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 May 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 22 May 2008, applicant responded with the present renewed petition.

DISCUSSION

As detailed in the decision mailed 02 May 2008, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1)-(4) and (6).

As to item (5), applicant has currently provided a statement under 37 CFR 3.73(b) by the assignee, Indocean Diamond Tools (Bermuda) Ltd., executed by its Director, Mr. Niraj Pankaj Bhukhanwala. This statement coupled with the assignment from Mr. Ericsson to IDT satisfies the remaining item and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 01 December 2005 under 35 U.S.C. 363, and will be given a date of **17 April 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

09 JUL 2008

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

Mr. Hans Ericsson
Vickleby bygata 41,386 93
Farjestaden
SWEDEN

In re Application of
ERICSSON
Application No.: 11/791,997
PCT No.: PCT/SE05/01805
Int. Filing Date: 01 December 2005
Priority Date: 02 December 2004
Atty Docket No.: 0104-063 1PUS1
For: A SAW BLADE AND A METHOD OF MANUFACTURING A SAW BLADE

Dear Mr. Ericsson:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Paul C. Lewis
BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747
UNITED STATES OF AMERICA

27 NOV 2007

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Fitch, Even, Tabin & Flannery
P. O. Box 18415
Washington, DC 20036

In re Application of	:	
FINK et al.	:	
Application No.: 11/792,002	:	DECISION ON PETITION
PCT No.: PCT/EP2005/009077	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 23 August 2005	:	
Priority Date: 28 August 2004	:	
Attorney Docket No.: 8009-88475	:	
For: IMPROVED CHECKING OF REPAIRS FOR ELECTRONIC VEHICLE SYSTEMS	:	

The petition to revive under 37 CFR 1.137(b) filed 31 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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

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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Allen David Godwin	: DECISION ON REQUEST FOR
Patent Number	: 7629413	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/792,034	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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06 MAY 2008

00530
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, NJ 07090

In re Application of :
NEF *et al* :
U.S. Application No.: 11/792,035 :
PCT No.: PCT/CH2005/000236 :
Int. Filing Date: 28 April 2005 :
Priority Date: 30 November 2004 : **DECISION**
Attorney Docket No.: ISLER 3.3-002 :
For: SYSTEM AND METHOD FOR A COOPERATIVE ARM THERAPY AND CORRESPONDING ROTATION MODULE :

This is a decision on the papers filed on 21 April 2008.

BACKGROUND

On 30 May 2007, applicants filed papers for entry into the national stage of PCT/CH2005/000236 which included payment of the large entity fees of $900.00 for a national stage application.

On 14 August 2007, applicants purportedly filed several papers including an assertion of small entity status and a request for a refund of one-half the fees paid totaling $450.00. These papers are not located in the file.

On 21 February 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee.

On 21 April 2008, applicants filed a response to the Form PCT/DO/EO/905 which was accompanied by, *inter alia*, an executed declaration, authorization to charge the $65.00 surcharge fee to Deposit Account No. 12-1095, and copies of two documents purportedly filed 14 August 2007.

DISCUSSION

Declaration Not Acceptable

It is first noted that the declaration filed 21 April 2008 contains noninitialed,

nondated changes recorded on the address section of the second and fourth named inventors. As stated in section 605.04(a) of the MPEP:

> Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

Accordingly, a new declaration is required.

Applicants have **ONE (1) MONTH** to submit a declaration in compliance with 37 CFR 1.497(a) and (b), or any time remaining in the Form PCT/DO/EO/905, whichever is longer. Extension fees back to 21 February 2008 must be paid if no response is received within one month.

Request for Refund

In the papers purportedly filed 14 August 2007, applicants requested small entity status and a refund of one-half the $900.00 fees paid.

37 CFR 1.28 (a) states, in part that:

> A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

Here, applicants claim that the assertion of small entity status and request for refund was filed on 14 August 2007, which is within the three-month window from the initial filing. However, these papers are <u>not</u> located in the file.

Applicants must provide acceptable evidence that the papers relied on were filed and received in the subject application on 14 August 2007 for the refund request to be granted. A copy of the date-stamped postcard receipt would be acceptable evidence. *See* § 503 MPEP.

<u>CONCLUSION</u>

For the reason noted above, applicants' request for a refund pursuant to 37 CFR 1.28(a) is hereby **<u>DISMISSED</u>** without prejudice.

Applicants have **TWO (2) MONTHS** to respond to the refund request decision. Extensions of time pursuant to 37 CFR 1.136(a) are available.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

24 DEC 2008

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600 South Avenue West
Westfield, NJ 07090

In re Application of
NEF *et al*
U.S. Application No.: 11/792,035
PCT No.: PCT/CH2005/000236
Int. Filing Date: 28 April 2005
Priority Date: 30 November 2004
Attorney Docket No.: ISLER 3.3-002
For: SYSTEM AND METHOD FOR A COOPERATIVE ARM THERAPY AND CORRESPONDING ROTATION MODULE

DECISION

This is a decision on the renewed petition filed on 03 July 2008.

BACKGROUND

On 06 May 2008, a decision dismissing applicants' request for refund was mailed. The decision also noted that the declaration filed 21 April 2008 was not acceptable as it contained noninitialed changes on the residence and mailing address of two of the four named inventors.

On 03 July 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a three-month extension and fee and copies of documents purportedly filed 21 August 2007 along with a date-stamped postcard receipt for those documents.

On 21 July 2008, applicants filed an executed declaration.

DISCUSSION

New Declaration for Two Inventors Required

In the prior decision, it was noted that the declaration filed 21 April 2008 contained noninitialed changes recorded on the address section of the second and fourth named inventors. As such, a new declaration was required.

In the subject response, applicants have provided a new declaration executed by the two inventors whose information contained the alterations. This declaration is in compliance with 37 CFR 1.497(a) and (b).

The Assertion of Small Entity Status and Request for Refund

Applicants also claimed that they asserted small entity status and request for refund in the above-captioned application on 14 August 2007. However, these papers were not located in the file. Applicants were requested to submit evidence that these papers were previously submitted.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard 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.

In this case, applicants have provided a copy of the date-stamped postcard receipt for documents submitted 21 August 2007. The postcard receipt records that among the papers received in the USPTO included a "Request for Refund" and an "Assertion as to Entitlement to Small Entity Status." The postcard receipt is stamped "OIPE AUG 21 2007" across its face. The U.S. application number, title and name of applicants are listed on the postcard receipt.

Accordingly, applicants have provided *prima facie* evidence that the assertion of small entity status and request for refund was received by the USPTO on 21 August 2007 which is within the three-month window required by 37 CFR 1.28(a).

DECISION

Applicants' renewed petition under 37 CFR 1.181 is **GRANTED**.

The assertion of small entity status and request for refund was originally filed 21 August 2007. As such, the request for a refund of one-half the $900.00 fees paid pursuant to 37 CFR 1.28 (a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 April 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 21 July 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

11 JUN 2008

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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
EMERYVILLE, CA 94662-8097

In re Application of BENSI et al :
U.S. Application No.: 11/792,038 :
PCT Application No.: PCT/US2005/036009 :
Int. Filing Date: 11 October 2005 :
Priority Date Claimed: 08 October 2004 : DECISION
Attorney Docket No.: 002441.00248 :
For: IMMUNOGENIC AND THERAPEUTIC :
COMPOSITIONS FOR STREPTOCOCCUS :
PYOGENES :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 01 June 2007.

BACKGROUND

On 11 October 2005, applicant filed international application PCT/US2005/036009, which claimed priority of an earlier United States application filed 08 October 2004. The thirty-month period for paying the basic national fee in the United States expired on 08 April 2007.

On 09 April 2007, international application PCT/US2005/036009 became abandoned as to the United States for failure to timely pay the basic national fee.

On 01 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

With regard to item (2), applicant has not provided the required petition fee.

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

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

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)".

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

17 JUN 2008

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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
EMERYVILLE, CA 94662-8097

In re Application of BENSI et al	:	
U.S. Application No.: 11/792,038	:	
PCT Application No.: PCT/US2005/036009	:	
Int. Filing Date: 11 October 2005	:	
Priority Date Claimed: 08 October 2004	:	DECISION
Attorney Docket No.: 002441.00248	:	
For: IMMUNOGENIC AND THERAPEUTIC COMPOSITIONS FOR STREPTOCOCCUS PYOGENES	:	

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 11 October 2005, applicant filed international application PCT/US2005/036009, which claimed priority of an earlier United States application filed 08 October 2004. The thirty-month period for paying the basic national fee in the United States expired on 08 April 2007.

On 09 April 2007, international application PCT/US2005/036009 became abandoned as to the United States for failure to timely pay the basic national fee.

On 01 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

On 11 June 2008, this Office mailed a decision dismissing the 01 June 2007 petition.

DISCUSSION

The decision mailed 11 June 2008 dismissed the petition under 37 CFR 1.137(b) on grounds that the petition fee had not been provided. Further review of the application file reveals that applicant provided written authorization to charge the required petition fee to a deposit account. Accordingly, the dismissal was in error.

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

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

With regard to item (2), the required petition fee will be charged to Deposit Account No. 19-0733 as authorized by applicant.

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

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

CONCLUSION

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

The decision mailed 11 June 2008 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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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.
11/792,041	08/05/2008	Karl-Hermann Schlingensiepen	313632008000	7096

25225 7590 07/23/2010

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
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SAN DIEGO, CA 92130-2040

EXAMINER	
BOWMAN, AMY HUDSON	
ART UNIT	PAPER NUMBER
1635	

MAIL DATE	DELIVERY MODE
07/23/2010	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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MORRISON & FOERSTER LLP
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SUITE 100
SAN DIEGO CA 92130-2040

JUL 2 3 2010

In re Application of
SCHLINGENSIEPEN, KARL-HERMANN et al.
Application No. 11/792,041
Filed: August 5, 2008
Attorney Docket No. 313632008000

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 18, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) 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 EPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request.
(5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fails to comply with the requirement because:

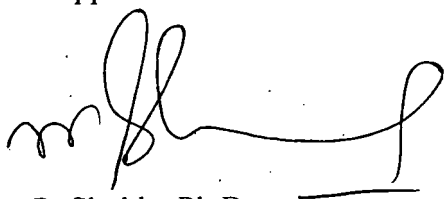
The examination of the application has begun.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS**

PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.
Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

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

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



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

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

28 APR 2008

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

In re Application of :
ROLLAND DU ROSCOÂT, Brieuc et al. :
U.S. Application No.: 11/792,050 :
PCT No.: PCT/FR2005/002707 :
Int. Filing Date: 28 October 2005 : **DECISION**
Priority Date: 28 October 2004 :
Attorney Docket No.: 132691 :
For: DISPLAY AND CONTROL DEVICE THEREFOR :

This is a decision on applicant's small entity requests filed in the United States Patent and Trademark Office on 25 June 2007 and 20 August 2007 and a decision on applicant's petition to revive, filed on 01 June 2007.

BACKGROUND

On 01 June 2007, applicant filed a petition to revive and papers for entry into the national stage of PCT/FR2005/002707, which included the payment of other than small entity fees of $600 for a national stage application.

On 25 June 2007, applicant filed this request for the refund of $450.

On 20 August 2007, applicant filed a communication indicating that applicant was not entitled to small entity status and to please correct the fees back to large entity

DISCUSSION

As it does not appear that the original refund request has been processed, the fees will be verified and corrected to large entity.

Petition to Revive

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b). The fee for late filing of the search fee, examination fee or oath or declaration has been paid.

CONCLUSION

For the above reason, applicant's request for to disregard the refund request is **GRANTED** and applicant's petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 25 June 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292
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31 MAR 2008

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MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of
ARRUDA et al
Int. Application: PCT/US2005/044294
Application No.: 11/792,121
Int. Filing Date: 09 December 2005
Priority Date: 15 December 2004
Attorney's Docket No.: 21787YP
For: INHIBITORS OF AKT ACTIVITY

: DECISION ON
:
: REQUEST UNDER
:
:
:
: 37 CFR 1.497(d)

This is a decision on petitioner's "TRANSMITTAL LETTER" filed on 06 March 2008, which is being treated as a request under 37 CFR 1.497(d) to add joint inventor Mark T. Bilodeau and Peter J. Manley in the executed declaration. A petition fee of $130.00 as been charged to petitioner's Deposit Account No. 13-2755 as authorized in the petition.

BACKGROUND

On 09 December 2005, applicants filed international application No. PCT/US2005/044294 and claiming a priority date of 15 December 2004.

On 31 May 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an executed declaration was submitted at such time.

On 06 March 2008, applicants filed, inter alia, a request under 37 CFR 1.497(d) and an executed declaration that added Mark T. Bilodeau and Peter J. Manley as co-inventors, who were not listed in the international application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d), but not item (3).

With respect to item (1), the statements submitted on 06 March 2008 by Mark T. Bilodeau and Peter J. Manley are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been charged to the Deposit Account No.: 13-2755.

With respect to item (3), Merck & Co., the assignee, consents to the correction of inventorship to the above application. However, there is no copy of the executed assignment to the assignee in the file. To establish the right of the Assignee to take action, applicants must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Administrative Office
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Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

07 JUL 2008

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UNITED STATES PATENT AND TRADEMARK OFFICE
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MERCK AND CO. INC.
Patent Department, RY60-30
PO BOX 2000
126 East Lincoln Avenue
RATHWAY, NJ 07065-0907

In re Application of	:	DECISION ON
ARRUDA et al	:	
Application No.: 11/792,121	:	
Int. Application: PCT/US2005/044294	:	
Int. Filing Date: 09 December 2005	:	REQUEST UNDER
Priority Date: 15 December 2004	:	
Attorney's Docket No.: 21787YP	:	
For: DENTAL COMPOSITION CONTAINING EPOXY	:	37 CFR 1.497(d)

This is a decision on petitioner's "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 19-May-2008, to add joint inventors Mark T. Bilodeau and Peter J. Manley in the executed declaration.

BACKGROUND

In a decision from this Office mailed on 31 March 2008, the decision indicated that the request was dismissed because item (3) of 37 CFR 1.497(d) was not satisfied.

On 19 May 2008, applicants filed the current request, which includes a copy of the assignment.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have now satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (3), MERCK & CO., INC., the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers, copy of the executed assignment, establishing its right to take action under 37 CFR §3.73(b).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **31 May 2007**.

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1 4 MAR 2008

United States Patent and Trademark Office

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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

In re Application of	:	
Kim et al.	:	
Application No.: 11/792,156	:	
PCT No.: PCT/KR05/02903	:	
Int. Filing Date: 01 September 2005	:	DECISION
Priority Date: 01 September 2004	:	
Attorney Docket No.: 2128.07	:	
For: Portable Electron Microscope Using Micro-Column	:	

The petition to revive under 37 CFR 1.137(b) filed on 01 June 2007 in the above-captioned application is hereby **DISMISSED**, without prejudice, as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is acceptable in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee. However, counsel has not paid the requisite petition fee. The correspondence filed by counsel appears to include only a credit card fee payment authorization, which does not specifically authorize payment of the petition fee; no alternative authorization to charge, e.g., a deposit account appears to have been made. In the absence of the petition fee, it would not be appropriate to grant the instant petition.

Applicants have **TWO (2) MONTHS** from the mailing date of this decision, extendable under 37 CFR 1.136(a), to file a response. Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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08 AUG 2007

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

In re Application of	:	
TANG et al.	:	
Application No.: 11/792,179	:	DECISION ON
PCT No.: PCT/US2005/040048	:	
Int. Filing Date: 04 November 2005	:	PETITION UNDER
Priority Date: 05 November 2004	:	
Attorney Docket No.: INTM/021 US	:	37 CFR 1.137(b)
For: COMPOSITIONS FOR TREATING RESPIRATORY VIRAL INFECTIONS AND THEIR USE	:	

This decision is in response to applicants' submission filed 01 June 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 November 2005, applicant filed international application PCT/US2005/040048 which designated the U.S. and claimed a priority date of 05 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 May 2007 (05 May 2007 being a Saturday).

On 01 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 01 June 2007.

As to item (2), applicant submitted the petition fee on 01 June 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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0 5 NOV 2007

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Michael J Rafa
OSI Pharmaceuticals, Inc.
41 Pinelawn Rd.
Melville NY 11747
DO 80201

In re Application of :
REPASI et al. :
Application No.: 11/792,183 : DECISION
PCT No.: PCT/GB05/50234 :
Int. Filing Date: 02 December 2005 :
Priority Date: 02 December 2004 :
Attorney Docket No.: NC-10021-PCT.US :
For: INHIBITOR OF GLYCOGEN PHOPHORYLASE :

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

On 01 June 2007, within the thirty month period, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390). Applicant attempted to pay the basic national fee by authorizing the Commissioner to charge the fee to a deposit account number. However, an incomplete deposit account number was furnished and the USPTO was unable to charge the basic national fee.

Because the basic national fee was not paid by the expiration of the thirty month period or by 02 June 2007, in accord with 35 U.S.C. 371(c) and 37 CFR 1.495, the international application PCT/GB05/50234 is abandoned as to the U.S. national stage.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing including issuance of a Notification of Abandonment (Form PCT/ DO/EO/909) in accord with this decision.

Applicant may wish to consider filing a petition to revive his abandoned international application under 37 CFR 1.137(a) or (b). The appropriate forms and relevant MPEP section 711.03(c) can be located at www.upsto.gov. Applicant is reminded that the filing of any petition under the unintentional standard cannot be intentionally delayed. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay was unintentional. A statement that the delay was unintentional is not appropriate if the petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The proper reply is the payment of the basic national fee.

/Cynthia M. Kratz
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14 JAN 2008

Michael J Rafa
OSI Pharmaceuticals, Inc.
41 Pinelawn Rd.
Melville NY 11747
DO 80201

In re Application of
REPASI et al.
Application No.: 11/792,183
PCT No.: PCT/GB05/50234
Int. Filing Date: 02 December 2005
Priority Date: 02 December 2004
Attorney Docket No.: NC-10021-PCT.US
For: INHIBITOR OF GLYCOGEN PHOPHORYLASE

DECISION

The petition to revive under 37 CFR 1.137(b) filed 21 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $310 has been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration, after the thirty month period, is required.

Cynthia M. Kratz
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21 APR 2008

OSI PHARMACEUTICALS, INC.
41 Pinelawn Road
Melville, NY 10017

In re Application of :
KRULLE *et al* :
U.S. Application No.: 11/792,185 :
PCT No.: PCT/GB2005/050233 :
Int. Filing Date: 02 December 2005 :
Priority Date: 02 December 2004 :
Attorney Docket No.: NC-10012-PCT-US :
For: PYRROLOPYRIDINE-2-CARBOXYLIC ACID AMIDES :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 20 March 2008 is hereby **GRANTED** as follows:

The basic national fee and petition fee has been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

19 MAR 2009

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OSI Pharmaceuticals
41 Pinelawn Rd.
Melville NY 10017

In re Application of	:	
Thomas et al.	:	
Application No. 11/792,186	:	
PCT No.: PCT/GB2005/050232	:	
Int. Filing Date: 02 December 2005	:	DECISION
Priority Date: 02 December 2004	:	
Att. Docket No.: NC-10022-PCT.US	:	
For: Method Of Treatment Of Diabetes	:	

The petition to revive under 37 CFR 1.137(b) filed on 30 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply in the form of the basic national fee is being charged to Deposit Account No. 50-2783, per the authorization filed on 30 January 2009. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Christian Angerer	: DECISION ON REQUEST FOR
Patent Number	: 7577005	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/792,197	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

25 JAN 2008

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CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE FL 33301

In re Application of: BONTE, Antonie, et al.
U.S. Application No.: 11/792,204
PCT No.: PCT/NL2005/000542
International Filing Date: 25 July 2005
Priority Date: 26 July 2004
Atty Docket No.: 1406-2PUS
For: IMPROVEMENTS IN TRANSCRITICAL COOLING SYSTEMS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 31 May 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 26 January 2007 based on applicants' failure to enter the U.S. national stage and file the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition was accompanied by the petition fee and the "required reply" in the form of the U.S. national stage entry papers and payment of the U.S. basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. The request to revive the application is therefore granted with respect to the United States.

It is noted that the declaration filed 31 May 2007 is not in an acceptable form. Specifically, the declaration submitted appears to be an impermissible compilation of multiple declarations. See MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." In addition, the declaration includes a handwritten alteration that has not been initialed or dated. See MPEP section 605.04(a): "The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration."

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an

acceptable oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing such oath or declaration later than thirty months after the priority date.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/792,273	06/04/2007	Toshiyuki Takabayashi	07325/HG	3163

7590 08/18/2009

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
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EXAMINER	
LIGHTFOOT, ELENA TSOY	

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
08/18/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

01 FEB 2008

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PARK LAW FIRM
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LOS ANGELES CA 90010

In re Application of:
KIM, Ho, Seob, et al.
U.S. Application No.: 11/792,274
PCT No.: PCT/KR2005/002905
International Filing Date: 01 September 2005
Priority Date: 01 September 2004
Atty Docket No.: 2128.08
For: MOTIONING EQUIPMENT FOR ELECTRON COLUMN

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 01 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 01 March 2007 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the present petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

The present submission includes an executed Korean/English language declaration. However, it is noted that this declaration is not in a form provided by the USPTO or in accordance with PCT Rule 4.17(iv), and it is not accompanied by a statement that the English translation contained therein is accurate, as required (see 37 CFR 1.69(b)).

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Zenzo Yamaguchi	: DECISION ON REQUEST FOR
Patent Number	: 7654364	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/792,297	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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31 JAN 2008

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of:	:	
FUJITA, Katsumasa, et al.	:	
U.S. Application No.: 11/792,304	:	DECISION REGARDING
PCT No.: PCT/JP2005/018945	:	SUBMISSION UNDER
Int. Filing Date: 14 October 2005	:	37 CFR 1.42
Priority Date: 08 December 2004	:	
Attorney's Docket No.: NFT04003PUS	:	
For: FLUORESCENCE MICROSCOPE AND FLUORESCENCE MICROSCOPE METHOD	:	

This communication is issued in response to applicants' submission on 05 June 2007 of a declaration executed on behalf of deceased inventor Osamu NAKAMURA by the deceased inventor's legal representative Naoko NAKAMURA. The submission has been treated as a submission under 37 CFR 1.42.

BACKGROUND

On 14 October 2005, applicants filed international application PCT/JP2005/018945. The international application claimed a priority date of 08 December 2004, and it designated the United States. On 15 June 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 June 2007.

On 05 June 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation of the international application into English, and a declaration executed by the surviving inventors and on behalf of the deceased inventor by his legal representative.

On 03 July 2007, applicants filed a family register for the deceased inventor, with English translation.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative (or all the heirs) must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 05 June 2007 indicates that the third inventor, Osamu NAKAMURA, is deceased, and it indicates that the person signing on his behalf, Naoko NAKAMURA, is the legal representative of the deceased inventor. However, it is not clear whether the citizenship, residence, and mailing address information provided in the declaration is that of the deceased inventor or the legal representative, as required by 37 CFR 1.497(b)(2). Moreover, regardless of whose citizenship information has been provided, the signature box does not expressly indicate the citizenship of both the legal representative and the deceased inventor, as required.

Applicants must provide a revised declaration executed by the legal representative that includes all required information, including the citizenship, residence, and mailing address of the legal representative and the citizenship of the deceased inventor.

CONCLUSION

The declaration filed 05 June 2007 under 37 CFR 1.42 is **REJECTED** without prejudice on the present record.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment.

Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed the legal representative that includes all the information required by 37 CFR 1.497, including the citizenship, residence, and mailing address of the legal representative, and the citizenship of the deceased inventor.

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

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

27 MAR 2008

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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

In re Application of	:	
Didosyan	:	
Application No. 11/792,316	:	
PCT No.: PCT/AT05/00463	:	
Int. Filing Date: 17 November 2005	:	DECISION
Priority Date: 09 December 2004	:	
Att. Docket No.: 66374-186-7	:	
For: Method And Device For Modifying The Polarization State Of Light	:	

This is in response to the renewed submission under 37 CFR 1.42 filed on 08 February 2008.

DISCUSSION

In a Communication (Decision) mailed on 10 December 2007, the declaration filed on 10 September 2007 was not accepted under 37 CFR 1.42, without prejudice, because

> Inspection of the declaration reveals that it identifies the citizenship, residence and postal address of each of the named legal representatives. However, the declaration does not provide Mr. Didosyan's citizenship, postal address and residential address as required by 37 CFR 1.497(b)(2). Therefore, it would not be appropriate to accept the declaration at this time.

In response, applicant has presented a declaration document signed on behalf of Yuri S. Didosyan by Hannelore Kopta-Didosyan and Karina Gloukhareva, both in the capacity of "Legal Representative." The declaration provides citizenship, residential address and postal address information for the deceased inventor and for both of the named legal representatives. This declaration is acceptable under 37 CFR 1.42, and is accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The declaration is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 February 2008**.

/George Dombroske/
George Dombroske
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Office of PCT Legal Administration
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OCT 13 2009

OFFICE OF PETITIONS

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of	:	
Juha PIIPPONEN	:	
Application No. 11/792,362	:	DECISION ON PETITION
Filed: August 21, 2007	:	
Attorney Docket No. 47121-5029	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed April 29, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 30, 20089.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected drawings; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the corrected formal drawings are accepted as being unintentionally delayed.

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

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/792,377	04/25/2008	Christian Kobetz	095309.59140US	3156

7590 06/08/2010

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

EXAMINER	
LOUIE, WAE LENNY	
ART UNIT	**PAPER NUMBER**
3661	
MAIL DATE	**DELIVERY MODE**
06/08/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

1 4 APR 2008

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

In re Application of	:	
OKANO, Fumiyoshi et al.	:	
Application No.: 11/792,400	:	DECISION
PCT No.: PCT/JP2005/022369	:	
Int. Filing Date: 06 December 2005	:	ON REQUEST UNDER
Priority Date: 07 December 2004	:	
Attorney's Docket No.: 0760-0364PUS1	:	37 CFR 1.497(d)
For: NOVEL CANCER ANTIGEN PEPTIDE AND THE USE THEREOF	:	

This decision is in response to request under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 03 December 2007. It has been treated as a request under 37 CFR 1.497(a)-(b).

BACKGROUND

On 06 December 2005, applicant filed international application PCT/JP2005/022369, claiming a priority date of 07 December 2004. A copy of the international application was transmitted to the Office by the International Bureau on 15 June 2006. The deadline for entry into the national stage in the United States was midnight on 06 June 2007.

On 06 June 2007, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 December 2007, applicant filed this request accompanied by a declaration of the inventor.

DISCUSSION

Applicant files this request to remove Hideho Okada, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied. Applicants provided a statement by Hideho Okada and the processing fee.

Item (3) has not been satisfied. The written consent of the assignee in compliance with 37 CFR 3.73 has not been furnished.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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13 AUG 2008

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

In re Application of	:	
OKANO, Fumiyoshi et al.	:	
Application No.: 11/792,400	:	DECISION
PCT No.: PCT/JP2005/022369	:	
Int. Filing Date: 06 December 2005	:	ON REQUEST UNDER
Priority Date: 07 December 2004	:	
Attorney's Docket No.: 0760-0364PUS1	:	37 CFR 1.497(d)
For: NOVEL CANCER ANTIGEN PEPTIDE: AND THE USE THEREOF	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 12 June 2008.

BACKGROUND

On 14 April 2008, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicant's request to correct the inventorship, setting a two month period for reply.

On 12 June 2008, applicant submitted this renewed request under 37 CFR 1.497(d).

DISCUSSION

Applicant files this request to remove Hideho Okada, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously satisfied.

Item (3) has now been satisfied. The written consent of the assignee in compliance with 37 CFR 3.73 has been furnished.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Stage Processing Branch of PCT Operations for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 03 December 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/792,405	09/02/2008	Tony Gschier	5367-301PUS	3307

27799 7590 04/09/2010

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER	
JAGER, RYAN C	
ART UNIT	**PAPER NUMBER**
2816	

MAIL DATE	DELIVERY MODE
04/09/2010	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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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

In re Application of Tony Gschier :
Appl. No.: 11/792,405 : DECISION ON PETITION
Filed: September 2, 2008 : UNDER 37 C.F.R. § 1.59
Attorney Docket No.: 5367-301PUS :
For: CIRCUIT ARRANGEMENT FOR GENERATING A COMPLEX SIGNAL AND THE USE OF THIS CIRCUIT ARRANGEMENT IN A HIGH-FREQUENCY TRANSMITTER OR RECEIVER

This is a decision on the petition under 37 C.F.R. §1.59(b), filed February 02, 2010, to expunge information from the above-identified application.

The petition is GRANTED.

Petitioner requests that the Information Disclosure Statement (IDS), filed on February 14, 2008, be expunged from the record. Petitioner asserts that the information was inadvertently submitted by a party other than the party representing the applicant.

A review of the file record reveals that the IDS filed February 14, 2008 was submitted in error by a third party and was clearly intended for a different application because the applicant's names, the application's filing date, the assigned art unit, the docket number and the title listed on the Transmittal Letter accompanying the IDS do not match the information for the instant application.

For the above-stated reason, the petition to expunge the information unintentionally submitted on October 31, 2005 is granted. The information submitted February 14, 2008 is being removed from the file record along with the "initialed" Form PTO/SB/08A indicating consideration of the information by the examiner on June 22, 2009.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

John Cabeca, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

12 FEB 2009

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

In re Application of :
Frost et al. :
Application No. 11/792,406 :
PCT No.: PCT/GB2005/004633 :
Int. Filing Date: 05 December 2005 : DECISION
Priority Date: 04 December 2004 :
Att. Docket No.: APLE 2 00012 :
For: Recycling :

This is in response to the petition filed on 25 November 2008.

BACKGROUND

International application PCT/GB2005/004633 was filed on 05 December 2005, claimed an earlier priority date of 04 December 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 08 June 2006. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 04 June 2007. On 04 June 2007, applicants paid a basic national fee in 11/792,406.

On 17 January 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Review of the correspondence filed on 04 June 2007 reveals that the Transmittal Letter identified "PCT/GB0225/004633" as the international application entering the national stage in the United States. Because of this mis-identification of the international application number, it is not sufficiently clear which international application was intended to enter the national stage. To resolve this matter, a petition under 37 CFR 1.182 is required. Any such petition must clearly indicate which international application was intended to enter the national stage in the United States.

A decision on the merits of the petition under 37 CFR 1.137(b) is being held in abeyance pending resolution of the identity of the application, as discussed above.

DECISION

The identification shown on the Transmittal Letter filed on 04 June 2008 is **NOT ACCEPTED**, without prejudice, for the reasons described above.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Said response should include a cover letter entitled "Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

2 8 MAY 2009

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

In re Application of :
Frost et al. :
Application No. 11/792,406 :
PCT No.: PCT/GB2005/004633 :
Int. Filing Date: 05 December 2005 : DECISION
Priority Date: 04 December 2004 :
Att. Docket No.: APLE 2 00012 :
For: Recycling :

This is in response to the petition under 37 CFR 1.182 filed on 27 March 2009 and the petition under 37 CFR 1.137(b) filed on 25 November 2008.

DISCUSSION

Petition Under 37 CFR 1.182

In a Decision mailed on 12 February 2009, it was noted that

> Review of the correspondence filed on 04 June 2007 reveals that the Transmittal Letter identified "PCT/GB0225/004633" as the international application entering the national stage in the United States. Because of this mis-identification of the international application number, it is not sufficiently clear which international application was intended to enter the national stage. To resolve this matter, a petition under 37 CFR 1.182 is required. Any such petition must clearly indicate which international application was intended to enter the national stage in the United States.

In response, petitioner states that "Applicants respectfully request that the present application be directed to a national filing of PCT/GB2005/004633 and submit the enclosed substitute Transmittal Letter to achieve that result." Petitioner indicates that this Transmittal Letter "be substituted for the original wherein a typographical error incorrectly identified the PCT application number." Based on the totality of the evidence currently of record, it would be appropriate to accept applicants' statement as to the identity of the international application of which this application is the national stage under 35 U.S.C. 371.

The $400.00 petition fee is being charged to petitioner's Deposit Account no. 06-0308, as authorized in the petition.

Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed on 25 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form a declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h)) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

DECISION

This application is being forwarded to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/GB2005/004633. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 November 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Roland Muller	: DECISION ON REQUEST FOR
Patent Number	: 7586450	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/792,408	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

United States Patent and Trademark Office

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26 NOV 2007

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
Robinson et al.	:	
Application No.: 11/792,426	:	DECISION
PCT No.: PCT/US05/25735	:	
Int. Filing Date: 19 July 2005	:	ON
Earliest Priority Date: 19 July 2004	:	
Attorney Docket No.: 13533/48303	:	PETITION
For: Assay System For Monitoring The Effects Of Genetically Engineered Cells To Alter Function Of A Synctium	:	

The petition to revive under 37 CFR 1.137(b) filed on 05 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee. The petition fee has been paid. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/792,465	06/04/2007	Francesca Costantino	208,923	3707

38137 7590 01/15/2010

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

EXAMINER
CHANDRAKUMAR, NIZAL S

ART UNIT	PAPER NUMBER
1625	

MAIL DATE	DELIVERY MODE
01/15/2010	PAPER

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

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JAN 1 5 2010

Jay S. Cinamon
ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of: CONSTANTINO et al.
Serial No.: 11/792,465

Filed: June 4, 2007
Docket: 208,923
Title: **PROCESS FOR THE PREPARATION OF DROSPIRENONE**

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

This is a decision on the petition filed on September 10, 2008 to make the above-identified application special under 37 C.F.R. § 1.102(d).

MPEP §708.02 states:

Any petition to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). See subsections III and IV below for the requirements for filing a petition to make special based on applicant's health or age.

Applications filed prior to August 25, 2006 are not eligible for the revised accelerated examination program set forth in MPEP § 708.02(a). Until August 25, 2006, applicant may file a petition to make special in an application filed prior to August 25, 2006 by complying with the guidelines and requirements set forth in subsections I-II, and V-XII below.

A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a).

While the instant application was filed before August 25, 2006 the instant petition was not filed until June 23, 2009 and thus the last paragraph cited above controls. The instant petition does not meet the requirements set forth in the above.

The petition to make the application special is DENIED.

Any inquiry regarding this decision should be directed to Michael P. Woodward, Quality Assurance Specialist, at (571) 272-8373.

/MP Woodward/
Michael P. Woodward, Quality Assurance Specialist
Technology Center 1600

2 6 MAR 2008

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Alexandria, VA 22313-1450
www.uspto.gov

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Moll et al.	:	
Application No.: 11/792,516	:	
PCT No.: PCT/NL05/00842	:	
Int. Filing Date: 07 December 2005	:	DECISION
Earliest Priority Date: 07 December 2004	:	
Attorney Docket No.: 2183-8388US	:	
For: Methods For The Production And Secretion Of Modified Peptides	:	

This is in response to the correspondence filed on 05 November 2007.

BACKGROUND

International application PCT/NL05/00842 was filed on 07 December 2005, claimed an earliest priority date of 07 December 2004, and designated the United States. The International Bureau communicated a copy of the published international application to the USPTO on 15 June 2006. The 30-month period for payment of the basic national fee in the U.S. expired as of midnight on 07 June 2007. A basic national fee was paid in application no. 11/792,516 on 06 June 2007.

DISCUSSION

Review of the correspondence filed on 06 June 2007 reveals ambiguity as to which international application was intended to enter the national stage. The Transmittal Letter is directed to international application no. PCT/US05/00842, but the international filing date, priority date, title and inventors shown on the Transmittal Letter correlate to those found instead in PCT/NL05/00842.

The instant correspondence (filed on 05 November 2007) includes a "corrected" Transmittal Letter directed to "PCT/NL2005/00842." However, in view of the discrepancy described above as to which international application was to enter the national stage in the United States, a proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to resolve this ambiguity.

CONCLUSION

Applicants have **TWO (2) MONTHS** from the mailing date of this decision, extendable under 37 CFR 1.136(a), to file a response clarifying the status of the papers submitted on 06 June 2007.

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

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

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P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Moll et al.	:	
Application No.: 11/792,516	:	
PCT No.: PCT/NL05/00842	:	
Int. Filing Date: 07 December 2005	:	DECISION
Earliest Priority Date: 07 December 2004	:	
Attorney Docket No.: 2183-8388US	:	
For: Methods For The Production And Secretion Of Modified Peptides	:	

This is in response to the petition under 37 CFR 1.182 filed on 28 April 2008 and the supplemental submission filed on 30 May 2008.

DISCUSSION

In a Decision mailed on 28 March 2008, in response to the correspondence filed on 05 November 2007, it was explained that

> Review of the correspondence filed on 06 June 2007 reveals ambiguity as to which international application was intended to enter the national stage. The Transmittal Letter is directed to international application no. PCT/US05/00842, but the international filing date, priority date, title and inventors shown on the Transmittal Letter correlate to those found instead in PCT/NL05/00842.
>
> The instant correspondence (filed on 05 November 2007) includes a "corrected" Transmittal Letter directed to "PCT/NL2005/00842." However, in view of the discrepancy described above as to which international application was to enter the national stage in the United States, a proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to resolve this ambiguity.

In response, petitioner affirms that the instant application was intended as the U.S. national stage under 35 U.S.C. 371 of international application PCT/NL05/00842, and indicates that the discrepant international application number appearing on the Transmittal Letter filed on 06 June 2007 was incorrectly and unintentionally entered thereon. In view of the totality of the evidence of record, it would be appropriate to accept petitioner's explanation, and the "CORRECTED" Transmittal Letter filed on 05 November 2007.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing as the U.S. national stage under 35 U.S.C. 371 of international application PCT/NL05/00842. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **06 August 2007**.

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

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

MAILED

JAN 28 2010

OFFICE OF PETITIONS

In re Application of :
Toshifumi YAGI, et *al.* :
Application No. 11/792,563 : DECISION GRANTING PETITION
Filed: June 7, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **3693-71** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 21, 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 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2883 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 DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Martin Scheffel	: DECISION ON REQUEST FOR
Patent Number	: 7637443	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/792,599	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **119** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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24 SEP 2009

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Tyco International LTD
IP Legal Department
One Town Center Road
Boca Raton, FL 33486

In re Application of	:	
HOGAN (deceased) et al.	:	
Application No.: 11/792,632	:	DECISION
PCT No.: PCT/US2005/044688	:	REGARDING
Int. Filing Date: 07 December 2005	:	SUBMISSION UNDER 37 CFR 1.42
Priority Date: 07 December 2004	:	
Attorney Docket No.: F-TP-00032-5	:	
For: SECURITY DEVICE FOR BOTTLE	:	

This decision is issued in response to the declaration filed 08 September 2009 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 07 December 2005, applicant filed international application PCT/US2005/044688 which claimed a priority date of 07 December 2004. On 15 June 2006, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 07 June 2007 (thirty months from the priority date).

On 07 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and an application data sheet.

On 26 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(h).

On 08 September 2009, applicant filed a declaration executed by the four joint-inventors and Paul Griffiths on behalf of deceased inventor, Dennis L. Hogan.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 08 September 2009 was executed by Paul Griffiths as "legal representative" to the deceased inventor, Dennis L. Hogan. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS, TX 75202

In re Application of :
GRANADOS :
U.S. Application No.: 11/792,641 :
PCT No.: PCT/MX2005/000086 : DECISION ON PETITION
Int. Filing Date: 29 September 2005 :
Priority Date: 10 December 2004 : UNDER 37 CFR1.182
Attorney Docket No.: GRANA 3955000 :
For: CHEMICAL PROCESS FOR OBTAINING :
GLASS WITH A TOTAL OR PARTIAL SATIN/ :
MATTE FINISH...CONTINUOUS PRODUCTION :

This decision is in response to applicant's "Petition Under 37 C.F.R. §1.182" filed 26 October 2009 in the United States Patent and Trademark Office (USPTO) to correct the error in the Transmittal Letter (Form PTO-1390) filed 08 June 2007. Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 14 October 2009, applicant was mailed a communication indicating a discrepancy between the international application number listed on the Form PTO-1390 and the other filed documents including the copy of the international application furnished by applicant on 08 June 2007. The submission included, *inter alia*, payment of the U.S. basic national fee. The Transmittal Letter indicated the international application number as PCT/MX2005/000087. Applicant's filing included an Application Data Sheet, as well as a copy of the international application supplied by Applicant which identified the international application number as PCT/MX2005/000086. Applicant was afforded two months to file a petition under 37 CFR 1.182 to correct the error and associated the present application under 35 U.S.C. 371 with the correct international application number.

On 26 October 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The identifying information provided on the transmittal letter filed by applicant on 08 June 2007, i.e., the title, applicant-inventor information and priority date all correspond to that of PCT/MX2005/000086. In addition, applicant did provide an Application Data Sheet with the correct international application number. For these reasons, combined with the detailed explanation provided in the present petition, it has been concluded that the national stage papers

filed 08 June 2007 sufficiently identified international application PCT/MX2005/000086. Pursuant to petitioner's request, the national stage papers assigned U.S. application number 11/792,641 will be treated as a U.S. national stage submission for PCT/MX2005/000086.

CONCLUSION

For the reasons above, applicant's "Petition Under 37 CFR 1.182" is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of U.S. application number 11/792,641 as the U.S. national stage application of PCT/MX2005/000086.

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

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IP LEGAL DEPARTMENT
TYCO FIRE & SECURITY SERVICES
ONE TOWN CENTER ROAD
BOCA RATON FL 33486

In re Application of :
LOPEZ, et al. :
Application No.: 11/792,647 :
PCT No.: PCT/US05/44689 : DECISION ON PAPERS
Int. Filing Date: 07 December 2005 :
Priority Date: 07 December 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: F-TP-0032-2 :
For: OPTICAL DISK SECURITY DEVICE :
HAVING A MAGNETICALLY :
ACTUABLE LOCKING MECHANISM :

This decision is in response to applicant's correspondence filed 13 May 2008 in the United States Patent and Trademark Office (USPTO). The filed combined declaration and power of attorney is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 07 December 2005, applicant filed international application PCT/US05/44689, which claimed priority to an earlier application filed 07 December 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 June 2007.

On 07 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); and an Application Data Sheet.

On 11 March 2008, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response.

On 13 May 2008, applicant filed the combined declaration and power of attorney discussed herein. 11 May 2008 being a Sunday and with certification under 37 CFR 1.8 that the filing was deposited asa first class mailing on 12 May 2008, the response is considered timely filed.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 13 May 2008 was executed by Paul Griffiths as legal representative of the estate of deceased inventor, Dennis L. Hogan. The declaration provides the citizenship for both the deceased inventor and the signing legal representative per 37 CFR 1.497(a)(3); as well as the residence and mailing address of the legal representative. As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

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

This application has an international application filing date of 07 December 2005 and will be given a date of **13 May 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

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MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN TX 78716-4140

In re Application of	:	
ANDERSON et al.	:	
Application No.: 11/792,649	:	DECISION
PCT No.: PCT/US2005/044875	:	
Int. Filing Date: 09 December 2005	:	
Priority Date: 09 December 2004	:	
Attorney Docket No.: N037	:	
For: BIT STREAM BACKUP INCORPORATING PARALLEL PROCESSES	:	

This is a decision on applicants' "PETITION UNDER 37 C.F.R. 1.47(a)" filed 07 January 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 December 2005, applicants filed international application PCT/US2005/044875, which designated the United States and claimed a priority date of 09 December 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 15 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 June 2007 (09 June 2007 being a Saturday).

On 08 June 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 January 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a statement of facts by Michael O. Scheinberg, a copy of a letter from Elizabeth Bell to nonsigning inventor Michael R. Anderson, a

copy of a FedEx receipt signed by Mr. Anderson, and a copy of an e-mail from Mr. Anderson to Mr. Scheinberg.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the fee has been paid.

As to item (2), it has been established that the non-signing inventor Michael Robert Anderson refuses to execute the application.

As to item (3), a statement of the last known address of the non-signing inventor has been provided.

As to item (4), a declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor has been provided.

Declaration of Inventors

The declaration of inventors filed 07 January 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office

of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **07 January 2008**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

2 1 MAR 2008

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Mr. Michael R. Anderson
19637 Suncrest Ave
West Linn, OR 97068

In re Application of
ANDERSON et al.
Application No.: 11/792,649
PCT No.: PCT/US2005/044875
Int. Filing Date: 09 December 2005
Priority Date: 09 December 2004
Attorney Docket No.: N037
For: BIT STREAM BACKUP INCORPORATING PARALLEL PROCESSES

Dear Mr. Anderson:

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

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

MICHAEL O. SCHEINBERG
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12/8/09

Patent No. :7610974
Ser. No. :11792694
Inventor(s) :Tesuya Abe
Issued : 11/3/09
Title : HYBRID VEHICLE AND CONTROL METHOD OF HYBRID VEHICLE
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

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

HR

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OFFICE OF PETITIONS

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

In re Patent No. 7,610,974 :
Issue Date: November 3, 2009 :
Application No. 11/792,694 : DECISION ON PETITION
Filed: June 8, 2007 :
Attorney Docket No. 132758 :

This is a decision on the Request Under 37 C.F.R. §3.81(b) For Granting A Certificate Of Correction Under 37 C.F.R. §1.323, filed on December 18, 2009, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the correct assignee's residence. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the erroneous incorrectly assignee's residence on the previously submitted PTOL-85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the assignee's residence identified thereon from:

"Toyota Jidosha Kabushiki Kaisha, Tokyo (JP)"

to:

-Toyota Jidosha Kabushiki Kaisha, Toyota (JP)-

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) and the $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.20(a) have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form (PTO/SB/44) that was submitted with petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,610,974.

Brian W. Brown
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

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

COPY MAILED

JUL 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Matthew Christo Jackson, et al. :
Application No. 11/792,724 : DECISION ON PETITION
Filed: June 11, 2007 : TO WITHDRAW
Attorney Docket No. 4038-4 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 22, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Nixon & Vanderhye, PC has been revoked by the assignee of the patent application on June 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 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: SECRETARY OF STATE FOR DEFENCE
DSTL, PORTION DOWN
SALISBURY, WILSHIRE, UNITED KINGDOM SP4 0JQ

13 FEB 2008

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ALEXANDRIA, VA 22313-1450
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Kimberly A. Chasteen
PO Box 1243
Yorktown VA 23692

In re Application of	:	DECISION ON
Stephen George Sutton	:	
Application No.: 11/792,791	:	
PCT No.: PCT/GB2005/003508	:	
Int. Filing Date: 12 September 2005	:	PETITION UNDER
Priority Date: 11 September 2004	:	
Attorney's Docket No.: 045447-0012	:	
For: A HANDLE AND A WALKING AID	:	
INCORPORATING THE SAME	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 08 June 2007. The petition fee of $750.00 has been charged to applicant's deposit account 50-0766 as authorized in the transmittal letter.

BACKGROUND

On 12 September 2005, this international application was filed, claiming an earliest priority date of 11 September 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 11 March 2007. This international application became abandoned with respect to the United States at midnight on 11 March 2007 for failure to pay the required basic national fee.

On 08 June 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee. However, no executed declaration was filed at such time.

On 16 July 2007, applicants filed an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay

in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioners have satisfied requirements (1), (3), and (4) under 37 CFR 1.137(b) but not requirement (2).

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

However, requirement (2) the petition fee set forth in §1.17(m) has not been met because Kimberly A. Chasteen is not authorized to request to charge Deposit Account 50-0766.

Accordingly, the petition is not deemed to satisfy all requirements (1), (2), (3), and (4) under 37 CFR 1.137(b). The application continues to remain abandoned.

DECISION

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

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

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28 APR 2008

Kimberly A. Chasteen
LMK Associates
PO Box 1243
Yorktown VA 23692

In re Application of	:	DECISION ON RENEWED
Stephen George Sutton	:	
Application No.: 11/792,791	:	
PCT No.: PCT/GB2005/003508	:	
Int. Filing Date: 12 September 2005	:	PETITION UNDER
Priority Date: 11 September 2004	:	
Attorney's Docket No.: 045447-0012	:	
For: A HANDLE AND A WALKING AID	:	
INCORPORATING THE SAME	:	37 CFR 1.137(b)

This decision is responsive to applicants' "Response to Petition Decision" filed on 10 April 2008 requesting reconsideration of the decision on 13 February 2008, which is being treated as a renewed petition under 37 CFR 1.137(b).

BACKGROUND

In a decision from this Office on 13 February 2008, the petition was dismissed because Kimberly A. Chasteen was not authorized to charge the Deposit Account at that time.

On 10 April 2008 applicant submitted a second renewed petition under 37 CFR 1.137(b) authorizing Ms. Kimberly to charge the Deposit Account No.: 50-3677.

DISCUSSION

The renewed petition on 10 April 2008 is deemed to satisfy item (2) under 37 CFR 1.137(b) because Kimberly A. Chasteen is authorized to charge Deposit Account 50-3677, and the petition fee has been charged.

Accordingly, applicant has now satisfied requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **16 July 2007**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

23 AUG 2007

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Alexandria, VA 22313-1450
www.uspto.gov

PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR
215 S. Monroe St.
Tallahassee, FL 32301

In re Application of :
LAWES, Keith, Trevor :
U.S. Application No.: 11/792,795 :
PCT No.: PCT/GB2005/004437 :
Int. Filing Date: 17 November 2005 :
Priority Date: 23 November 2004 :
Attorney Docket No.: :
For: A ROTARY CYLINDER VALVE INTERNAL COMBUSTION ENGINE :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to the petition to revive under 37 CFR 1.137(b) filed 05 June 2007 which is **DISMISSED** without prejudice.

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (2), (3) and (4) of 37 CFR 1.137(b) are satisfied. However, applicants failed to provide the proper reply which requires payment of the Basic National Fee. *See* 37 CFR 1.495(b)(2). Hence, item (1) is not yet complete.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response (Basic National Fee) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

11 OCT 2007

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR
215 S. Monroe St.
Tallahassee, FL 32301

In re Application of:
LAWES, Keith, Trevor
U.S. Application No.: 11/792,795
PCT No.: PCT/GB2005/004437
Int. Filing Date: 17 November 2005
Priority Date: 23 November 2004
Attorney Docket No.: None
For: A ROTARY CYLINDER VALVE INTERNAL COMBUSTION ENGINE

DECISION

Applicant's response to decision filed 20 September 2007 is treated as a renewed petition under 37 CFR 1.137(b) and is hereby **GRANTED** as follows:

Items (2), (3) and (4) were previously satisfied in the initial petition filed 05 June 2007. In the renewed petition, applicant submitted the fees required to satisfy item (1).

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A review of the application shows that the petition fee of $750.00 was previously submitted on 12 June 2007. Applicant submitted this fee again with the renewed petition. As such, applicant's requests for a refund of $750.00 is **GRANTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 November 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 20 September 2007.

This application is being forwarded to the Office of Patent Applications Processing for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 10/11/07

2 Serial/Patent # 11/792,795

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
✓	Petition		9/20/07	$ 750.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $

8 TO BE REFUNDED BY:

✓ Treasury Check

Credit Deposit A/C #:

9 [ ][ ]--[ ][ ][ ][ ]

10 REASON:

✓ Overpayment

Duplicate Payment

No Fee Due (Explanation):

Applicant submitted #750.00 petition fee on 6/12/07 and again on 9/20/07. The second fee (Fee Code 1206) needs refunded. No deposit account.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: JAMES THOMSON TITLE: Attorney

SIGNATURE: James Thomson PHONE: 2-3302

OFFICE: PCT Legal

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKhok DATE: 10/11/07

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)

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 10/11/07

2 Serial/Patent # 11/792,795

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
✓	Petition		9/20/07	$ 750.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$
		7 TOTAL AMOUNT OF REFUND		$

8 TO BE REFUNDED BY:

✓ Treasury Check

Credit Deposit A/C #:

9 [ ][ ]--[ ][ ][ ][ ]

10 REASON:

✓ Overpayment

Duplicate Payment

No Fee Due (Explanation):

Applicant submitted #750.00 petition fee on 6/12/07 and again on 9/20/07. The second fee (Fee Code 1206) needs refunded. No deposit account.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: JAMES THOMSON TITLE: ATTORNEY

SIGNATURE: James Thomson PHONE: 2-3302

OFFICE: PCT Legal

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKhuu DATE: 10/11/07

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:

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Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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11 MAR 2008

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of :
MAIER, et al. : DECISION ON REQUEST
Application No.: 11/792,837 :
PCT No.: PCT/DE05/02228 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 09 December 2005 :
Priority Date: 10 December 2004 :
Attorney Docket No.: MAIER-8 PCT :
For: CONNECTING ROD FOR AN INTERNAL: COMBUSTION ENGINE AND METHOD : FOR COATING ITS SLIDE BEARING : SURFACES :

This decision is in response to applicant's "Request to Change Inventorship Under 37 C.F.R. § 1.497(d)" filed 10 December 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 December 2005, applicant filed international application PCT/DE05/02228, which claimed priority of an earlier application filed 10 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 June 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 June 2007.

On 11 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an English translation of the international application as filed, an Information Disclosure Statement and a First preliminary amendment. 10 June 2007 being a Sunday, payment of the basic national fee was considered timely.

On 10 December 2007, applicant filed the present petition accompanied by a combined declaration and power of attorney executed by the inventor named in the published international application, as well as, a second inventor, Reinhard Rose.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Reinhard Rose declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has filed a combined declaration and power of attorney executed by the inventor named in the published international application, as well as, Reinhard Rose.

As Item (3), applicant has provided a check in the amount of $130.00.

Regarding Item (4), applicant has provided the written consent of the assignee, MAHLE International GmbH.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of **10 December 2004** and a date of **10 December 2007** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/792,855	06/12/2007	Othon Kamariotis	LSN-36-2063	5782

7590 02/26/2010

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

EXAMINER	
BANKS HAROLD, MARSHA DENISE	
ART UNIT	PAPER NUMBER
2621	
MAIL DATE	DELIVERY MODE
02/26/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BUCKNAM AND ARCHER
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Yoshihisa Iwasaki	: DECISION ON REQUEST FOR
Patent Number	: 7607675	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/792,872	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

17 FEB 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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D. Peter Hochberg
D. Peter Hochberg Company LPA
1940 East 6th Street
6th Floor
Cleveland OH 44114

In re Application of	:	
VOLKWEIN, et al.	:	
U.S. Application No.: 11/792,887	:	DECISION ON PETITION
PCT No.: PCT/EP05/13256	:	
Int. Filing Date: 09 December 2005	:	37 CFR 1.181
Priority Date: 13 December 2004	:	
Attorney Docket No.: MH4431US (#90556)	:	
For: ULTRASONIC MEASURING DEVICE FOR A CONTAINER	:	

This decision is in response to applicant's petition to withdraw the holding of abandonment for failure to receive an office action filed 14 January 2009 in the United States Patent and Trademark Office (USPTO). . No petition fee is required.

BACKGROUND

On 09 December 2005, applicant filed international application PCT/EP05/13256 which claimed priority of an earlier application filed 13 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 June 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 13 June 2007.

On 12 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; a preliminary amendment; an Application Data Sheet and an Information Disclosure Statement.

On 12 March 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 09 December 2008, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/905 mailed 12 March 2008 within the time period set therein and that above-

identified application was abandoned as to the United States.

On 14 January 2009, applicant filed the petition considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant has satisfied all items listed above showing that the Form PCT/DO/EO/905 mailed 12 March 2008 was not received. Applicant has provided a detailed affidavit from counsel explaining the firm's docketing system, as well as, avowing that the Form PCT/DO/EO/905 was not received. Applicant has additionally included copies of the firm records where the office action would have been docketed including the master docket for the due date in question. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 09 December 2008 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for the mailing of a new Form PCT/DO/EO/905.

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

17 JUN 2008

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

In re Application of MATKOVSKY et al	:	
U.S. Application No.: 11/792,908	:	
PCT Application No.: PCT/RU2005/000655	:	
Int. Filing Date: 21 December 2005	:	DECISION
Priority Date Claimed: 22 December 2004	:	
Attorney Docket No.: U 016877-7	:	
For: METHOD FOR PREPARING	:	
POLYIOLEFINIC BASES OF SYNTHETIC OILS	:	

This is in response to the declaration filed 28 December 2007, which is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 21 December 2005, applicant filed international application PCT/RU2005/000655, which claimed priority of an earlier Russia application filed 22 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 July 2006. The thirty-month period for paying the basic national fee in the United States expired on 22 June 2007.

On 12 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 December 2007, applicant filed the present request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 28 December 2007 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 28 December 2007.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 05/18/2010

Applicant	: Jens Kahle	: DECISION ON REQUEST FOR
Patent Number	: 7614311	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/792,913	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **195** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/792,915	06/13/2007	Jun Kosaka	1026350-000103	6267

21839 7590 05/20/2010

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

EXAMINER	
JANSSEN, SHANNON L	

ART UNIT	PAPER NUMBER
1639	

NOTIFICATION DATE	DELIVERY MODE
05/20/2010	ELECTRONIC

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

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

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

ADIPFDD@bipc.com
offserv@bipc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

18 May 2010

Buchanan Ingersoll & Rooney PC
P/ O/ Box 1404
Alexandria, VA 22313-1404

In re Application of: Kosaka *et al.*	
Application No.: 11792915	
Filed: 13 June 2007	DECISION ON PETITION TO ACCEPT COLOR DRAWINGS
Attorney Docket No.: 1026350-000103	
For: A SUBSTRATE, A METHOD FOR QUANTIFICATION OF A TAROT SUBSTANCE	

This is in response to applicant's petition filed 16 Feb 2010 under 37 C.F.R. 1.84 to use color drawings in the application is noted. Applicant has (A) paid the appropriate petition fee; (B) provided three (3) copies of formal color drawings; and, (C) the black and white photocopy of the drawings in the image file wrapper will suffice for 37 C.F.R. 1.84(a)(2)(iii). The application specification does not contain (D) appropriate language at page 5+ for an incorporation of color drawings under 37 C.F.R. 1.84(a)(2)(iv).

A review of the Color Drawings *per se* results in the following:

- Color drawings labeled as 4a and 4b lack sufficient contrast. Booth are black.and show little to no detail of detection stated in the brief description of the figures.
- Each of drawing 4a and 4b are labeled in the lower left corner with "Fig. 5a" and "fig. 5b".

Applicant's petition is DENIED.

Questions should be directed to the undersigned as indicated below.

/ Christopher S. F. Low /

Christopher S. F. Low
Supervisory Patent Examiner
TC 1600, Art Unit 1636 (571) 272-0951
Christopher.low@uspto.gov

18 May 2010

United States Patent and Trademark Office

Commissioner for Patents
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28 APR 2008

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

In re Application of	:	
Stotzel et al.	:	
Application No.: 11/792,936	:	DECISION
PCT No.: PCT/EP2005/012917	:	
Int. Filing Date: 02 December 2005	:	ON
Priority Date: 16 December 2004	:	
Attorney Docket No.: VOS0080/US	:	PETITION
For: Highly Insulating And Fireproof Coating Materials For Casting Moulds	:	

This is in response to the "Petition Under 37 CFR 1.182..." filed on 03 March 2008.

BACKGROUND

This international application was filed on 02 December 2005, claimed an earlier priority date of 16 December 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 22 June 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 16 June 2007. Applicants filed *inter alia* the basic national fee on 12 June 2007.

DISCUSSION

Petitioner states (in part) that

> In review of the above-identified Application, it was noted that there is an error in the translation as filed. Applicants therefore respectfully submit the attached replacement application to correct the error. For convenience of reference, a marked copy of the application is also attached to show all changes.

In view of petitioner's characterization of the translation filed on 12 June 2007 as erroneous, said translation is not being accepted for purposes of compliance with 35 U.S.C. 371(c)(2). Rather, in view of petitioner's statements and request, it would be appropriate to use the translation filed on 03 March 2008 for such purpose.

DECISION

The petition is **GRANTED**, to the extent noted.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), the surcharge under 37 CFR 1.492(h) and the processing fee under 37 CFR 1.492(i).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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28 JUL 2009

Commissioner for Patents
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Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of :
HENRY et al. :
Application No. 11/792,942 :
PCT No.: PCT/AU2005/001941 : DECISION ON PETITION
Int. Filing Date: 22 December 2005 : UNDER 37 CFR 1.181
Priority Date: 30 December 2004 :
Attorney Docket No.: PTB-4398-701 :
For: RESPIRATORY MASK HAVING GAS WASHOUT VENT AND GAS WASHOUT VENT ASSEMBLY FOR RESPIRATORY MASK :

This decision is issued in response to applicant's "Request to Rescind Notification of Abandonment" filed 28 October 2008, which is being treated as a Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 22 December 2005, applicant filed the above identified international application which claimed a priority date of 30 December 2004. Subsequent to the filing of the international application, pursuant to PCT Rule 26ter, applicant filed therein a declaration of inventorship under PCT Rule 4.17(iv). This declaration was executed by each of the inventors; however, the declaration did not specifically identify the international application to which it was directed, that is, PCT/AU2005/001941. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2007.

On 13 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international; a preliminary amendment; an application data sheet; and a copy of a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) filed during the international phase.

On 28 January 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be

filed. The Notification indicated that declaration "does not identify the application to which it is directed." The notification set a two-month time limit in which to respond.

On 07 February 2008, applicant filed "Response to Notification of Missing Requirements under 35 U.S.C. 371" which stated that "the Declaration of Inventorship was submitted as part of the international application."

On 29 September 2008, the United States Elected Office mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 28 January 2008 within the time period set therein.

On 28 October 2008, applicant filed "Request to Rescind Notification of Abandonment." which is being treated as a petition under 37 CFR 1.181.

DISCUSSION

Response dated 07 February 2008

Applicant states in the present petition that the 07 February 2008 response was not processed by the United States Patent and Trademark Office. Applicant's assertion is correct. Upon receipt of the response dated 07 February 2009, the United States Patent and Trademark Office should have mailed a Notification of Defective Response indicating that the declaration under 37 CFR 1.497 (a)-(b) was still required. Since the Office erred in not mailing this form to the applicant, the Notification of Abandonment is hereby withdrawn. Therefore, applicant's petition to withdraw holding of abandonment is GRANTED.

Declaration under PCT Rule 4.17(iv)

The instructions to the Rule 4.17(iv) declaration state: "[w]here the declaration was not included in the request, but is furnished later, the PCT application number MUST be indicated within the text of Box No. VIII (iv)." Consistent with this instruction, the text of the Rule 4.17(iv) declaration includes a line that expressly requires entry of the PCT international application number "if furnishing the declaration pursuant to Rule 26ter."

Here, the executed Rule 4.17(iv) declaration was not filed with the original international application materials. Accordingly, the declaration was required to include the PCT application number for the application to which it was directed, that is, PCT/AU2005/001941. Because the declaration does not include this PCT application number, the declaration is defective for failure to properly identify the specification to which it was directed. Applicant argues that the declaration is adequate because "the Request/Declaration identifies PCT/AU2005/001941" and it (declaration) meets "the minimum requirements" as set forth in the Manual of Patent Examining Procedure (MPEP) §602VI (Identification of Application). However, the international application number was placed on the declaration, by the International Bureau, after the declaration

was executed by the inventors and the declaration does not meet any of the "combinations" set forth in MPEP §602.

Further, the Rule 4.17(iv) declaration is defective, in that, applicant has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains duplicate signature pages for the second and third inventor. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

For reasons stated above, Rule 4.17(iv) declaration is not in compliance with 37 CFR 1.497(a)-(b).

Declaration submitted 28 October 2008

It is noted that the declaration submitted on 28 October 2008 is in compliance with 37 CFR 1.63. A review of the application papers reveals that applicant has completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** and the holding of Abandonment is withdrawn.

The application has an international filing date of 22 December 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 28 October 2008.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
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28 NOV 2007

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

In re Application of KJELLANDER et al :
U.S. Application No.: 11/792,958 :
PCT Application No.: PCT/NL2005/000831 :
Int. Filing Date: 02 December 2005 :
Priority Date Claimed: 02 December 2004 : DECISION
Attorney Docket No.: BHD-4662-568 :
For: SWITCHABLE NARROW BAND :
REFLECTORS PRODUCED IN A SINGLE :
CURING STEP :

This is in response to applicant's "Petition Under Rule 1.137(b) to Revive Unintentionally Abandoned International Application Designating the U.S." filed 13 June 2007.

BACKGROUND

On 02 December 2005, applicant filed international application PCT/NL2005/000831, which claimed priority of an earlier Netherlands application filed 02 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 17 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 02 June 2007.

International application PCT/NL2005/000831 became abandoned as to the United States for failure to timely pay the basic national fee.

On 13 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

On 26 July 2007, applicant filed an executed declaration.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration filed 26 July 2007 is improper because the given name of the second inventor does not match that indicated in the published international application.

Bryan Lin

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16 JAN 2008

Timothy J. Monahan
Monahan & Moses, LLC
13-B West Washington Street
Greenville, South Carolina 29601

In re Application of	:	DECISION ON
Auer et al	:	
Application No.: 11/792,971	:	
International App. No.: PCT/EP2005/013341	:	
Int. Filing Date: 13 December 2005	:	REQUEST UNDER
Priority Date: 13 December 2004	:	
Attorney's Docket No.: TRX-003	:	
For: FINE-PARTICULATE LEAD ...	:	
METHOD FOR PRODUCTION	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO AMEND INVENTIVE ENTITY UNDER 37 CFR 1.497(d)" filed on 24 September 2007, which is being treated as a request under 37 CFR 1.497(d) naming additional inventors, Frank HIPLER, Michael J HOFFMANN, Susanne WAGNER, and Hans KUNGL in the executed declaration. The $130.00 processing fee has been paid.

BACKGROUND

On 13 December 2005, applicants filed international application No. PCT/EP2005/013341 designating the United States and claiming a priority date of 13 December 2004.

On 13 June 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 24 September 2007, applicants filed a "REQUEST TO AMEND INVENTIVE ENTITY UNDER 37 CFR 1.497(d)," which included, *inter alia*, a statement under 37 CFR1.497(d) adding Frank HIPLER, Michael J HOFFMANN, Susanne WAGNER,and Hans KUNGL in the executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and
(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied item (2) under 37 CFR 1.497(d) but not items (1) and (3).

With respect to item (1), the statement submitted on 24 September 2007 by Frank HIPLER, Michael J HOFFMANN, Susanne WAGNER, Hans KUNGL are defective because in this instance, applicants submitted a composite statement comprising of two sets of 37 CFR 1.497(d) since there are two sheets of page 2. This is incomplete since each set must be complete by having the correct number of pages and listing all the inventors. In this case only, one set is complete because it comprises of the three (3) pages of the statement.

Copies of the same page is not part of a proper statement because it is considered a composite statement and each must be a complete statement with the proper statement and the names of each inventor even though each set of the statement may not have all the signatures of the inventors.

With respect to item (2), the processing fee of $130.00 has been provided.

With respect to item (3), the assignee, Tronox Pigments Gmbh, consents to the addition of Frank HIPLER, Michael J HOFFMANN, Susanne WAGNER, and Hans KUNGL in the executed declaration. However, there is no proper copy of the executed assignment to the assignee in the file. To establish the right of the Assignee to take action, applicants must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b). In this instance, the assignment is defective because there are three (3) sheets of page 3 and has the similar problems as the 37 CFR 1.497(d) statement. In this instance only one set of the composite assignment is complete since it has four (4) pages.

Moreover, the declaration filed on 24 September 2007 is defective since it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of two sets of declarations, which one is incomplete since each set must be complete by having the correct number of pages and listing all the inventors. In this case only, one set is complete because it comprises of the four (4) pages of the declaration. The second set is incomplete because it only contains pages 3 and 4 does not have the other pages (1 and 2) of the executed declaration. Therefore, the composite Declaration is incomplete.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

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

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UNITED STATES PATENT and TRADEMARK OFFICE

21 AUG 2008

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Timothy J. Monahan
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In re Application of	:	DECISION ON
Auer et al	:	
Application No.: 11/792,971	:	
International App. No.: PCT/EP2005/013341	:	
Int. Filing Date: 13 December 2005	:	REQUEST UNDER
Priority Date: 13 December 2004	:	
Attorney's Docket No.: TRX-003	:	
For: FINE-PARTICULATE LEAD ...	:	
METHOD FOR PRODUCTION	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 17 March 2008.

BACKGROUND

In a decision from this Office mailed on 16 January 2008, the decision indicated that the request was dismissed because the request did not satisfy items (1) and (3) of 37 CFR 1.497(d).

On 17 March 2008, applicants filed the current communication, which included, *inter alia*, a statement from Frank HIPLER, Michael J. HOFFMANN, Susanne WAGNER and Hans KUNGL and consent from the assignee Tronex Pigments GMBH.

DISCUSSION

A review of the renewed request reveals that applicants have satisfied items (1) and (3) of 37 CFR 1.497(d).

In regard to item (1), Frank HIPLER, Michael J. HOFFMANN, Susanne WAGNER and Hans KUNGL state that the error in inventorship occurred without deceptive intent.

In regard to item (3), the assignee Tronex Pigments GMBH consents to correction of inventorship to the above application and it has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b).

Accordingly, the requests are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **17 March 2008**.

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JUN 19 2008

OFFICE OF PETITIONS

BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH MA 01581

In re Application of :
Graham Stephen Stone :
Application No. 11/792,973 : ON PETITION
Filed: NO FILING DATE ACCORDED :
Attorney Docket No. 1009-039 :

This is a decision on the petition filed February 27, 2008, requesting that the name of the sole inventor for the application be changed in UPSTO records.

The petition is **dismissed**.

Although the petition was accompanied by an Application Data Sheet which set forth the change to the inventor's name, the ADS was not signed in accordance with 37 CFR 1.33(b). The renewed petition fee must be accompanied by a properly executed ADS. No additional petition fee is required.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BAINWOOD HUANG & ASSOCIATES LLC
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WESTBOROUGH MA 01581

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JUL 18 2008

In re Application of :
Stone, et al. :
Application No. 11/792,973 : ON PETITION
Filed: NO FILING DATE ACCORDED :
Attorney Docket No. 1009-039

This is a decision on the petition under 37 CFR 1.182 to change the name of the first joint inventor cited on this application in USPTO records.

The petition is granted.

The name of the first joint inventor for the above-cited application is changed to "Elizabeth Susan Stone."

Petitioner is advised that this change was made in UPSTO records, however, a filing receipt could not be generated at the time the petition decision was made because no filing date had yet been accorded the application.

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

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

Kenya G. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

29 FEB 2008

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39978
JENNINGS, STROUSS & SALMON, P.L.C.
201 E. Washington St., 11th Floor
Phoenix, AZ 85004

In re Application of :
MOR *et al* :
U.S. Application No.: 11/792,985 :
PCT No.: PCT/US2005/0043925 : **DECISION**
Int. Filing Date: 01 December 2005 :
Priority Date: 01 December 2004 :
Attorney Docket No.: 54842-43 ORD :
For: PRODUCTION AND USE OF HUMAN :
BUTRYLCHOLINESTERASE :

This is a decision on the "Petition to Request Application Serial Number and Filing Date" filed on 23 May 2007. This is treated as a petition under 37 CFR 1.10(e). No fee is required.

BACKGROUND

On 19 April 2007, applicants purportedly filed the above-identified national stage application pursuant to 35 U.S.C. 371 using Express Mail. However, there is no record that this correspondence was received and processed in the USPTO.

On 23 May 2007, applicants filed the instant petition which was accompanied by, *inter alia*, the subject national stage application.

DISCUSSION

Applicants claim that the subject application was originally submitted on 19 April 2007 with the USPS using Express Mail service and was received by the USPTO on 23 April 2007. Applicants request that the USPTO accord the above-captioned national stage papers a filing date of 19 April 2007. However, there is no indication that the USPTO received the above-captioned application until the submission of the correspondence received 23 May 2007.

37 CFR 1.10(e) provides procedures for filing a petition to accord a filing date as of the date of deposit with the USPS, where correspondence deposited as Express Mail is never received by the Office.

The requirements of a petition under 37 CFR 1.10(e) include that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the Express Mail mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by Express Mail;

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the Express Mail mailing label thereon, a copy of any returned postcard receipt, a copy of the Express Mail mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the Express Mail mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the Express Mail mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original Express Mail mailing label, returned postcard receipt, and official notation entered by the USPS.

The petition is considered timely. Item (1) of 37 CFR 1.10(e) is complete. Applicants also provided a copy of a document titled "Certificate of Mailing Pursuant to 37 C.F.R. 1.10" which appear to be part of the correspondence purportedly filed 19 April 2007 and lists Express Mail number EV532895998US and indicates a date of deposit of April 19, 2007. This evidence satisfies item (2) of 37 CFR 1.10(e).

Applicants also claim to have enclosed a "photocopy of the Express Mail Airbill EV 532895998 US showing receipt at the USPS facility on 19-April-2007 as well as confirmation of delivery obtained from the USPS internet site showing receipt by S. Dyar on 23-April-2007."

Neither of these documents could be located in the subject application. Applicants must resubmit these documents in any renewed petition. Moreover, applicants have not stated that the documents submitted on 23 May 2007 are true copies of the originally deposited papers that constitute the original correspondence.

Applicants must submit a copy of the documents originally submitted in the

above-captioned application on 19 April 2007 and provide the required statement in item (4) above to have a grantable petition under 37 CFR 1.10(e).

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.10(e) is **DISMISSED** without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MAIL

APR 19 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of
UOTANI, TOSHIAKI, et al.
Application No. 11/793,019
Filed: June 13, 2007
Attorney Docket No. **712-055**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 26, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

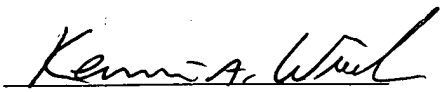
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

Examination of the U.S. application has begun as evidenced by the non-final Office action mailed March 2, 2010.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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



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

31 JAN 2008

Jacobson Holman PLLC
400 Seventh Street N.W.
Suite 600
Washington, DC 20004

In re Application of :
GIBBS, Graham Rodier :
Application No.: 11/793,032 : DECISION ON PETITION
PCT No.: PCT/NZ05/00236 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 09 September 2005 :
Priority Date: 09 September 2004 :
Attorney Docket No.: P71966US0 :
For: AN ORIENTATION DEVICE OF OR FOR A ROTATABLE DISPLAY BOX :

The petition to revive under 37 CFR 1.137(b) filed 15 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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RATNERPRESTIA
P.O. BOX 1596
WILMINGTON, DE 19899

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APR 07 2010

OFFICE OF PETITIONS

In re Application of :
Peter N. Nugara, et al. :
Application No. 11/793,045 : DECISION ON PETITION
Filed: June 14, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. DTG-107US1

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §

120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center Art Unit 1611 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

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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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/793,045	06/14/2007	1611	1450	DTG-107US1	31	3

CONFIRMATION NO. 8927

CORRECTED FILING RECEIPT

31344
RATNERPRESTIA
P.O. BOX 1596
WILMINGTON, DE 19899

Date Mailed: 04/01/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Peter N. Nugara, Richmond, VA;
Bruce C. Begnoche, Midlothian, VA;
Stephen K. Franzyshen, Richmond, VA;
Fenghua Deng, Richmond, VA;
Daniel C. Sanders, Richmond, VA;
Christine A. Creegan, Richmond, VA;
Steven R. Cosentino, Quinton, VA;

Power of Attorney: The patent practitioners associated with Customer Number 31344

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US05/38759 10/26/2005
which is a CON of 11/013,131 12/15/2004 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 02/26/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/793,045**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Composite Structure Including A Low Vinyl Acetate Layer

Preliminary Class

424

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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26 FEB 2008

DENNISON ASSOCIATES
133 RICHMOND STREET WEST
SUITE 301
TORONTO ON M5H 2L7 CA CANADA

In re Application of :
LEE :
Application No.: 11/793,047 :
PCT No.: PCT/CA05/00565 : DECISION ON PETITION
Int. Filing Date: 14 April 2005 :
Priority Date: 15 April 2004 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: JJ-11872-1US :
For: SOFT GEL DELIVERY SYSTEM FOR :
TREATING POULTRY :

The petition to revive under 37 CFR 1.137(b) filed 15 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

The application has an international filing date of 14 April 2005 under 35 U.S.C. 363 and will be given a date of **15 June 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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Brion Raffoul
PO Box 40060
2515 Bank Street
Ottawa ON K1V 0W8 CA CANADA

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Eng-Hong Lee	:	
Application No. 11/793,047	:	DECISION ON PETITION
Filed: June 15, 2007	:	
Attorney Docket No. 1027P003US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 28, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 29, 2009. A Notice of Abandonment was mailed on November 27, 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, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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 February 18, 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 Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received February 18, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/793,047	06/15/2007	Eng-Hong Lee	1027P003US01

CONFIRMATION NO. 8940

78685
Brion Raffoul
PO Box 40060
2515 Bank Street
Ottawa, ON K1V 0W8
CANADA

POA ACCEPTANCE LETTER

OC000000041600621

Date Mailed: 05/13/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/18/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MICHAEL TOBIAS
1629 K ST NW
SUITE 300
WASHINGTON DC 20006

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SEP 25 2008

OFFICE OF PETITIONS

In re Application of
KURAMOTO, Takeo et la.
Application No. 11/793,054
Filed: February 29, 2008
Attorney Docket No. **1104**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 29, 2008 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Takeo Kuramoto, 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 1794 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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Paper No.

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OCT 27 2008

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

In re Application, of	:	
Katsunori Yabuta	:	
Application No. 11/793,072	:	
Filed: June 15, 2007	:	DECISION ON PETITION
Attorney Docket No. KAN0014/US	:	PURSUANT TO
Title: METHOD FOR PRODUCING POLYIMIDE FILM	:	37 C.F.R. § 1.181(A)

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on September 8, 2008.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 6, 2008, which set a shortened statutory period for reply of three 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 May 7, 2008.

With this petition, Petitioner has asserted that both the filing receipt and the non-final Office action were mailed to the wrong address - it is noted that the declaration that was included on filing contains the indication that all correspondence should be directed to the address that is associated with Customer Number

33072. Office records have been reviewed, and it is clear that this number was not properly entered into Office records - a typographical entry resulted in a different customer number being associated with this application.[1]

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the non-final Office action of February 6, 2008 was not received.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the non-final action of February 6, 2008, and will set a new period for response.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] 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

1 On June 24, 2008, Petitioner submitted a "request for corrected customer number," and Office records indicate that on this dame day, Office records were corrected to reflect the correct correspondence address. On June 30, 2008, a filing receipt was mailed to the correct address.

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 of Petitioner's further action(s).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/793,072	06/15/2007	Katsunori Yabuta	KAN0014/US	1176

33072 7590 03/19/2010

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

EXAMINER	
LISTVOYB, GREGORY	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
03/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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wk

MAR 19 2010

In re application of	:	
Yabuta	:	DECISION ON
Serial No. 11/793,072	:	PETITION
Filed: June 15, 2007	:	
For: Method For Producing Polyimide Film		

This is a decision on the request filed on October 29, 2009. The request is to re-mail the non-final action of February 6, 2008 and to set a new period for response. This was based on a petition decision dated October 27, 2008. Applicant contacted the Examiner in October, 2009. The Examiner communicated that he did not believe that he needed to take any action on the application.

DECISION

The Petition is **GRANTED**.

The office action of February 6, 2008 will be re-mailed and a new period of response will be set.

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Kimberly S. Zillig
KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

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26 FEB 2008

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

In re Application of	:	
CURCIO, et al.	:	
Application No.: 11/793,077	:	
PCT No.: PCT/IB04/02826	:	DECISION ON PETITION
Int. Filing Date: 01 September 2004	:	
Priority Date: 02 September 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 915-007.046-1	:	
For: TRANSMISSION OF EMBEDDED INFORMATION RELATING TO A QUALITY OF SERVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 14 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

The application has an international filing date of 01 September 2004 under 35 U.S.C. 363 and will be given a date of **14 June 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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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.
11/793,081	01/18/2008	David T. Williamson	CL2810 US PCT	9051

7590 06/03/2009

Jarnholm, Arne R.
E.I. Du Pont De Nemours And Company
Legal Patent Records Center
4417 Lancaster Pike
Wilmington, DE 19805

EXAMINER	
CAMERON, ERMA C	

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
06/03/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

2 6 NOV 2007

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

In re Application of :
GOH AOW, Lee Lee :
U.S. Application No.: 11/793,100 :
PCT No.: PCT/AU2005/001914 :
Int. Filing Date: 20 December 2005 : DECISION
Priority Date: 20 December 2004 :
Attorney Docket No.: 584542000300 :
For: TOILET TRAINING, BATHING AND :
TOILETING DEVICES FOR INFANTS,:
TODDLERS AND PRE-SCHOOLERS :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 20 December 2005, applicant filed international application PCT/AU2005/001914, claiming a priority date of 20 December 2004. A copy of the international application was transmitted to the Office by the International Bureau on 29 June 2006. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 20 June 2007.

On 15 June 2007, applicant filed a national phase entry accompanied by, *inter alia*, the basic national fee. It was assigned serial number 11/793,100

On 19 June 2007, a second national phase entry attempt was filed for the above international application. It was assigned serial number 11/793,325.

On 16 November 2007, applicant filed a declaration and power of attorney from the inventor, who had filed the first national phase entry.

DISCUSSION

Applicant has submitted two sets of papers for the national stage entry of international application number PCT/AU2005/001914. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

Accordingly, the two entries have been consolidated into a single application. The duplicate fees will be refunded to deposit account no. 03-1952, as authorized.

All future correspondence in regards to the national phase of PCT/AU2005/001914 should use the 11/793,100.

CONCLUSION

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being referred to the National Stage Processing Division of the Office of Patent Application Processing for further processing consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 16 November 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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ALEXANDRIA, VA 22313-1450
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11 APR 2008

FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

In re Application of	:	DECISION ON
Gunter Richter	:	
PCT No.: PCT/EP05/57070	:	
Application No: 11/793,111	:	
Int. Filing Date: 22 December 2005	:	REQUEST FOR REFUND
Priority Date: 30 December 2004	:	
Attorney's Docket No.: SC-10PCT	:	
For: METHOD AND DEVICE FRO PRODUCING A	:	
BOAT-TYPE BODY OF WATER SPORT DEVICE	:	UNDER 37 CFR 1.26

This Decision is in response to applicant's "REQUEST FOR REFUND" filed on 14 March 2008, which is being treated as a request under 37 CF 1.26 requesting a refund of $200.00.

DISCUSSION

Pursuant 37 CFR §1.26(a) (refunds) "[a]ny fee paid in excess of that required will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw an application,... will not entitle a party to demand such a return."

Applicant argues that $200.00 was charged for the national stage fee on February 1, 2008 but applicant had already paid $775.00 on June 16, 2007, which included the search fee.

A review of the file indicates that applicant was refunded $250.00 on 01 February 2008 and on that day also charged $200.00 to applicant's deposit account no.: 11-1835. As such, applicant has been charged $150.00 for the basic national fee, $200.00 for the search fee and $100.00 for the examination. Because applicant was refunded $250.00 from the original $775.00 deposited the subsequent charge of $200.00 for the search fee is proper.

Accordingly, applicant's is not entitled to a refund.

CONCLUSION

For reasons above, the request is **REFUSED**.

If reconsideration on the merits of this request is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.26."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the office of PCT Legal Administration

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272- 3276
Facsimile: (571) 273-0459

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29 FEB 2008

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BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
PETERS, et al. :
Application No.: 11/793,137 :
PCT No.: PCT/EP05/56801 : DECISION ON PAPERS
Int. Filing Date: 15 December 2005 :
Priority Date: 17 December 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: 2815-0289PUS2 :
For: ENANTIOMERS OF 3-HETEROARYL-8H :
-8-AZABICYCLO (3.2.1.) OCT-2-ENE :
AND THEIR USE OF MONOAMINE :
NEUROTRANSMITTER RE-UPTAKE :
INHIBITORS :

This decision is in response to applicant's correspondence filed 14 August 2007 in the United States Patent and Trademark Office (USPTO). The filed combined declaration and power of attorney is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 15 December 2005, applicant filed international application PCT/EP05/56801, which claimed priority to an earlier application filed 17 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 June 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 June 2007.

On 14 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement and a preliminary amendment.

On 14 August 2007, applicant filed the combined declaration and power of attorney discussed herein.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and

obtain the patent."

The declaration submitted on 14 August 2007 was executed by Sinikka Mariatta Taurio as executrix of the estate of deceased inventor, Borje Egestad. The declaration provides the citizenship for both the deceased inventor and the signing legal representative per 37 CFR 1.497(a)(3). As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 15 December 2005 and will be given a date of **14 August 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/793,147	06/14/2007	Si-Hwa Lee	1901.1173	7711

21171 7590 06/23/2010

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
KRASNIC, BERNARD	
ART UNIT	**PAPER NUMBER**
2624	
MAIL DATE	**DELIVERY MODE**
06/23/2010	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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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAIL

JUN 23 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Lee, Si-hwa *et al.* :
Serial No.: 11/793,147 : DECISION ON PETITION
Filed: June 14, 2007 : *ACCEPTANCE OF COLOR DRAWINGS*
For: **APPARATUS FOR ENCODING AND DECODING IMAGE AND METHOD THEREOF** :

This is a decision on the petition under 37 CFR §1.84(a)(2) filed June 14, 2007, requesting the acceptance of color drawings.

The petition requests that the color drawings identified in Figures 2, 3, 11(a) – 11(d), 12(a) – 12(d), 13(a) – 13(d), 14(a) – 14(d) and 15(a) – 15(d) be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Kenneth Vanderhorst for

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

26 SEP 2008

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Gary R. Edwards
Crowell & Moring, LLP
Intellectual Property Group
P.O. Box 14300
Washington, D.C. 20044-4300

In re Application of:	:	
Martin Gruenbaum et al.	:	DECISION
Application No.: 11/793,149	:	
PCT Application No.: PCT/EP05/12827	:	ON PETITION
Int. Filing Date: 01 December 2005	:	
Priority Date: 18 December 2004	:	UNDER
Atty Docket No.: 095309.59143US	:	
For: WIND PROTECTION SYSTEM FOR CONVERTIBLES	:	37 CFR 1.137(b)

Applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 18 August 2008 is **GRANTED**.

BACKGROUND

On 01 December 2005, applicants filed international application PCT/EP05/12827. The international application claims a priority date of 18 December 2004 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 18 June 2007.

On 14 June 2007, applicants filed a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), an English language translation of the International Application, an information disclosure statement, an application data sheet, a substitute specification, one sheet of drawings, and a surcharge for furnishing the oath or declaration later than 30 months from the earliest claimed priority date.

On 01 October 2007, the Office mailed applicants a Notification of Missing Requirements (FORM PCT/DO/EO/905) indicating that applicants were required to furnish an

oath or declaration of the inventors. The deadline for complying with the Notification was two (2) months from the date of the Notice or by 32 months from the priority date for the application, that is 01 December 2007. Applicants missed the deadline by failing to provide an oath or declaration and the application became abandoned at midnight 01 December 2007.

On 18 August 2008, applicants filed the instant petition for revival accompanied by, *inter alia*, a declaration and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of an acceptable declaration of the inventors satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicants' statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 01 December 2005 under 35 U.S.C. 363 and a date of 18 August 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration

Telephone: (571) 272-6094

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE WA 98111-1208

COPY MAILED

DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	DECISION ON PETITION
Application No. 11/793,193	:	TO WITHDRAW
Filed: November 6, 2007	:	FROM RECORD
Attorney Docket No. 56536.8013.US00	:	

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 9, 2009.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	DECISION ON PETITION
Application No. 11/793,193	:	TO WITHDRAW
Filed: November 6, 2007	:	FROM RECORD
Attorney Docket No. 56536.8003.US01	:	

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 9, 2009.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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15 JUL 2009

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Buchanan, Ingersoll & Rooney PC
Post Office Box 1404
Alexandria VA 22313-1404

In re Application of :
BILLEBAUD et al. :
U.S. Application No.: 11/793,302 :
PCT No.: PCT/FR2005/003167 :
Int. Filing Date: 16 December 2005 : DECISION ON PETITION
Priority Date: 20 December 2004 :
Attorney Docket No.: 1022702-000178 :
For: HALOGENATED POLYMER STABILIZING INGREDIENT CONTAINING A BETA-DICARBONYL COMPOUND :

This decision is issued in response to applicants' "Petition under 37 CFR §1.182 to Change of Name of Inventor" filed 11 June 2009. Applicants are requesting to change the name of the third inventor from Sylvie Pierre to Sylvie Ghiringhelli due to marriage. The petition was accompanied by an affidavit signed by Sylvie Ghiringhelli using both her former name and present name. The $400 petition fee under 37 CFR 1.17 has been submitted.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the third inventor from Sylvie Pierre to Sylvie Ghiringhelli. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the third inventor. For such a petition to be grantable, MPEP §605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' submission included the required fees, satisfying the petition fee

requirement. As for the affidavit requirement, applicants have submitted a "Statement (from Sylvie Ghiringhelli) in Support of Peittion to Change Name of Inventor" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Sylvie Ghiringhelli as a result of marriage.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Sylvie Pierre to Sylvie Ghiringhelli is **GRANTED**.

Based on the above, the declaration filed 29 August 2008 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
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12 JUL 2007

02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of
DEKKER *et al*
U.S. Application No.: 11/793,355
PCT No.: PCT/NO2005/000444
Int. Filing Date: 01 December 2005
Priority Date: 01 December 2004
Attorney Docket No.: 4566-0130PUS1
For: A SYSTEM FOR HANDLING PIPES BETWEEN A PIPE RACK AND A DERRICK, AND ALSO A DEVICE FOR ASSEMBLING AND DISASSEMBLING PIPE STANDS

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 June 2007 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee, surcharge fee and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

17 OCT 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, D.C. 20001-4413

In re Application of :
RARIY et al. : DECISION
Application No. 11/793,392 :
PCT No.: PCT/US05/46049 :
Int. Filing Date: 20 December 2005 :
Priority Date: 20 December 2004 :
Attorney Docket No.: 07588.0092 :
For: PHARMACEUTICAL COMPOSITIONS FOR SLEEP DISORDERS :

This decision is issued in response to counsel's "Request for Withdrawal as Attorney or Agent" filed 24 September 2007 which is being treated as a Petition to Withdraw from Representation under 37 CFR 1.36. No petition fee is required.

DISCUSSION

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36(b), Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. A withdrawal of another attorney or agent of record, without also withdrawing the attorney or agent signing the request is a revocation, not a withdrawal.

> The Director of the United States Patents and Trademarks usually requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

Since all of the criteria delineated in Section 402.06 of the MPEP have been met, and the request to withdraw as attorney only pertains to Deborah Katz, the Petition under 37 CFR 1.36 is **GRANTED** and is effective as of the mail date of this decision.

This request does not affect the representation by any other attorney or agent at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP.

CONCLUSION

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration/Office of Petitions
Tel.: (571) 272-3298
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- 4 JAN 2010

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The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

In re Application of	:	
BRENNER et al.	:	
Application No.: 11/793,449	:	DECISION
PCT No.: PCT/US2005/000645	:	
Int. Filing Date: 10 January 2006	:	
Priority Date: 27 January 2005	:	
Attorney's Docket No.: 63955A	:	
For: POLYMERIC FOAM WITH IRREGULAR SURFACES AND PREPARATION THEREOF	:	

This is a decision on applicants' petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) on 17 November 2009. The petition fee of $400.00 has been paid. The petition is **GRANTED** as discussed below.

On 20 June 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee. The transmittal letter requested that the application papers be processed as the national stage application of international application PCT/US2005/000645.

On 14 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 20 June 2007.

On 17 November 2009, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the USPTO file for PCT/US2005/000645, reveals that the indication of international application PCT/US2005/000645 was incorrect, and that the present application should in fact be the national stage application of international application PCT/US2006/000645. Accordingly, the NOTICE OF ACCEPTANCE mailed 17 November 2009 is hereby VACATED

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision including mailing of a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 and Filing Receipt indicating the international application as PCT/US2006/000645. (Any typographical errors in the Filing Receipt should be corrected as well.)

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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20 OCT 2008

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ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD CT 06103

In re Application of	:	
NARAYANAN	:	
Application No.: 11/793,457	:	DECISION ON PETITION
PCT No.: PCT/IN05/00194	:	
Int. Filing Date: 07 June 2005	:	UNDER 37 CFR 1.181
Priority Date: None	:	
Attorney Docket No.: GBS/102/PC/US	:	
For: METHOD AND SYSTEM FOR SECURE AND ANTI JAMMING WIRELESS COMMUNICATION WITH HIGH SPECTRAL EFFICIENCY	:	

This decision is in response to applicant's correspondence filed 20 March 2008 in the United States Patent and Trademark Office (USPTO). The paper is being treated pursuant to 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 07 June 2005, applicant filed international application PCT/IN05/00194. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 December 2006. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 07 December 2007.

On 20 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a request for immediate examination under 35 U.S.C. 371(f).

On 10 March 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date and provide payment of the surcharge for providing an oath or declaration later than thirty months from the priority date. Applicant was afforded two months to file a proper response.

On 20 March 2008, applicant filed the present petition indicating that a signed declaration and power of attorney and Information Disclosure Statement had been filed with the original papers on 20 June 2007.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. An examination of the petition finds that applicant has provided a copy of the date-stamped postcard receipt, as well as, a complete copy of the prior filing and certification that the copy currently provided is a true and complete copy of the papers filed on 20 June 2007. The postcard identifies the application by title, applicant and attorney docket number. Among the items checkmarked on the receipt is: "Declaration and Power of Attorney." The receipt is stamped "IAP15 Rec'd PCT/PTO 20 JUN 2007." The postcard has not been annotated in any way to indicate that any of the listed items were not received. Thus, it is clear that applicant filed an executed declaration and power of attorney on 20 June 2007. Thus, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/905 mailed 10 March 2008 is hereby **VACATED**.

The application has an international filing date of 07 June 2005 under 35 U.S.C. 363 and will be given a date of **20 June 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a filing receipt indicating the 371 date as detailed above.

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17 MAR 2008

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Thomson Licensing LLC
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PRINCETON NJ 08543

In re Application of	:	
SCHMOUKER et al.	:	
Application No.: 11/793,549	:	DECISION
PCT No.: PCT/EP2005/056695	:	
Int. Filing Date: 12 December 2005	:	
Priority Date: 17 December 2004	:	
Attorney Docket No.: PF040172	:	
For: DEVICE AND METHOD FOR TIME-SHIFTED PLAYBACK OF MULTIMEDIA DATA	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 13 February 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 12 December 2005, applicants filed international application PCT/EP2005/056695, which designated the United States and claimed a priority date of 17 December 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 June 2007 (17 June 2007 being a Sunday).

On 18 June 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 13 February 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a copy of an e-mail from a Florence Pac to non-signing inventor Robert Forthofer dated 16 October 2007 and an English translation thereof, a copy of an e-mail

from Florence Pac to Robert Forthofer date 25 January 2008 and an English translation thereof, a copy of a letter from Ms. Pac to Mr. Forthofer dated 12 November 2007 and an English translation thereof, a copy of a returned envelope and an English translation thereof, and a declaration of inventors.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the petition fee is $200 rather than $130. The balance has been charged to Deposit Account 07-0832. Accordingly, item (1) has been met.

Item (2) has not been met. MPEP § 409.03(d), item I states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, a statement of facts has not been provided by a person, e.g., Florence Pac, having firsthand knowledge of the attempts to contact Mr. Forthofer. Additionally, apart from the e-mails to Mr. Forthofer, it does not appear that any efforts (e.g., internet searches) to locate Mr. Forthofer have been made. As to the e-mails, it is not clear whether or not they were received. Documentary evidence, e.g., copies of internet searches, of the attempts to reach Mr. Forthofer are also required.

Item (3) has been met.

Item (4) has been met.

Extension of Time Fee

Applicants filed a petition/fee for a two-month extension of time. However, a three-month extension of time is required. The balance has been charged to Deposit Account 07-0832.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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11 MAR 2009

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HARNESS, DICKEY & PIERCE, P.L.C.
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RESTON, VA 20195

In re Application of ANDERSSON et al :
U.S. Application No.: 11/793,518 :
PCT Application No.: PCT/SE2005/001981 :
Int. Filing Date: 19 December 2005 : DECISION
Priority Date Claimed: 20 December 2004 :
Attorney Docket No.: 10400C-00136/US/NPB :
For: LIQUID-RESISTANT PROTECTION FOR AN EXTREMITY :

This is in response to applicant's petition under 37 CFR 1.181 filed 12 January 2009.

BACKGROUND

On 19 December 2005, applicant filed international application PCT/SE2005/001981, which claimed priority of an earlier Sweden and United States applications filed 20 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 20 June 2007.

On 20 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 January 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 September 2008, applicant filed an executed declaration.

On 05 January 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 12 January 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

MPEP 711.03(c), Section I. A., "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" states in relevant part,

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The present petition includes an adequate statement describing the docketing system of the practitioner's firm and establishing that the system is sufficiently reliable as well as a statement from the practitioner that the correspondence was not received and a statement that a search of the practitioner's file records, including any file jacket or equivalent, revealed that the correspondence was not received. Furthermore, the petition is accompanied by a copy of the docket record for the practitioner's firm, listing all replies docketed for the due date for reply to the Notification of Missing Requirements. Such docket record indicates that no response was due on 14 March 2008 for the present application.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 05 January 2009 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 September 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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19 FEB 2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 222320-4850

In re Application of	:	DECISION ON
HOSOKAWA et al	:	
PCT No.: PCT/JP2005/0233071	:	PETITION UNDER
Application No: 11/793,531	:	
Int. Filing Date: 15 December 2005	:	
Priority Date: 05 January 2005	:	37 CFR 1.47(a)
Attorney's Docket No.: 132910	:	
For: CIRCUIT STRUCTURE	:	

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 16 January 2008. The requisite $200 petition fee has been charged to applicant's Deposit Account No.: 15-0461.

BACKGROUND

On 15 December 2007, applicants filed international application PCT/JP2005/023071 and claiming a priority date of 05 January 2005.

On 21 June 2007, applicants filed for entry into the national stage in the United States of America. Filed with the application was, inter alia, the requisite basic national fee. However, no executed declaration was filed at such time.

On 16 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date... does not identify the citizenship of each inventor" must be submitted within two months from the date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 16 January 2008, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of joint inventor Mr. Hosokawa.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement

of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

INVENTOR CANNOT BE REACHED:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under **37 CFR 1.47**, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under **37 CFR 1.47**.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under **37 CFR 1.47**. **37 CFR 1.43** may be available under these circumstances. See **MPEP § 409.02**. Such a petition under **37 CFR 1.47** will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner has satisfied items (1), (3) and (4) of 37 CFR 1.47(a). However, item (2) has not been satisfied.

Regarding requirement (1), petitioner has now provided the complete petition fee of $200.00 under 37 CFR 1.17(h) because the remaining $70.00 has been charged to Deposit Account No.: 15-0461.

Regarding item (2), the averments of Messrs. KASUGAI and MURAKAMI are insufficient to support a finding that the nonsigning inventor, Mr. Hosokawa could not be located after diligent effort. Their declarations fail to show diligent effort to locate inventor Mr. Hosokawa because they broadly state that "a diligent effort was made to locate Mr. Hosokawa," which does not show effort to locate the missing inventor. For example, they have not searched for the above non-signing inventor's new address by using a broad search in the internet and a phone directory listing, which would show diligent effort by them to find the nonsigning inventor.

Moreover, it is not clear from the petition that it was Mr. KASUGAI and MURAKAMI who performed the item listed in section 7 of their declaration, and have first hand knowledge of those facts as required by MPEP Section 409.03(d). If they are not the person who performed the actions listed in that section, petitioner will need to submit statements, with specific facts on the actions referred to by section 7 by persons who have first-hand knowledge of such facts

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Mr. Tsuyoshi Hosokawa
B-202, 2-24
Shironishi-cho, Yokkaichi-shi
MIE 510-0829, Japan

Consequently, at this time it can not be concluded that the nonsigning Mr. Hosokawa could not be found after diligent effort.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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20 JUN 2008

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In re Application of	:	DECISION ON RENEWED
HOSOKAWA et al	:	
PCT No.: PCT/JP2005/0233071	:	PETITION UNDER
Application No: 11/793,531	:	
Int. Filing Date: 15 December 2005	:	
Priority Date: 05 January 2005	:	37 CFR 1.47(a)
Attorney's Docket No.: 132910	:	
For: CIRCUIT STRUCTURE	:	

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 19 May 2008.

BACKGROUND

In a decision from this Office on 19 February 2008, the petition was dismissed. The decision stated that petitioner had not provided corroborating evidence for the inability to locate the nonsigning inventor, Mr. Tsuyoshi HOSOKAWA.

On 19 May 2008, petitioner filed the present renewed petition accompanied with corroborating evidence in the diligent effort to locate Mr. HOSOKAWA.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has now satisfied items (1) - (4) of 37 CFR 1.47(a).

The statements of Mr. Masakuni KASUGAI and Mr. Shiego HAYASHI are sufficient to show diligent effort to locate non-signing inventor Mr. Hosokawa because internet searches were conducted on Yahoo and Google but were unsuccessful in terms of discovering any new relevant address information about the non-signing inventor.

Accordingly, the actions enumerated by Mr. Masakuni KASUGAI and Mr. Shiego are sufficient to establish that the non-signing inventor Mr. Tsuyoshi HOSOKAWA could not be found or reached after diligent effort.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **16 January 2008.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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20 JUN 2008

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Mr. Tsuyoshi Hosokawa
B-202, 2-24
Shironishi-cho, Yokkaichi-shi
MIE 510-0829, Japan

In re Application of
HOSOKAWA et al
PCT No.: PCT/JP2005/0233071
Application No: 11/793,531
Int. Filing Date: 15 December 2005
Priority Date: 05 January 2005
Attorney's Docket No.: 132910
For: CIRCUIT STRUCTURE

Dear Mr. HOSOKAWA:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
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Oblon, Spivak, McClelland Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of :
BARLESI et al. :
Application No.: 11/793,542 : DECISION ON REQUEST
PCT No.: PCT/EP05/56968 :
Int. Filing Date: 20 December 2005 :
Priority Date: 22 December 2004 :
Attorney Docket No.: 310785US6PCT :
For: LIQUID LEVEL SENSOR AND ESTIMATION METHOD

This decision is issued in response to applicant's "Statement from the Inventor under 37 CFR 1.497(d)(1) " filed 18 April 2008 which is being treated as a Petition to Correct Inventorship under 37 CFR 1.497(d).

BACKGROUND

On 20 December 2005, applicant filed international application PCT/EP05/56968 which claimed a priority date of 22 December 2004. The published international application identified two applicant/inventors for the United States: Lorenzo Barlesi and Michel Chiaffi. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 22 June 2007.

On 21 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a translation of the international application; a preliminary amendment; and an application data sheet.

On 18 December 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 18 April 2008, applicant filed a request under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventor Volodia Naydenov to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has submitted a statement from the person being added as an inventor in compliance with 37 CFR 1.497(d)(1).

The authorization contained in the 18 April 2008 submission will be used to charge Deposit Account No. 15-0030 the $130 processing fee required under 37 CFR 1.1497(d)(2).

Regarding item (3), applicant has not submitted the consent of assignee to the change of inventorship. No assignment has been recorded herein, but the Application Data Sheet (ADS) identifies Inergy Auto Systems Research (Societe Anonyme) as the assignee. Before item (3) can be considered satisfied, applicant must provide the written consent of assignee to the change of inventorship. Any such consent of assignee must be accompanied by a proper statement under 37 CFR 3.73(b).

Item (4) is not applicable to this situation.

CONCLUSION

Applicant's request to add inventor Volodia Naydenov under 37 CFR 1.497(d) is **DISMISSED** without prejudice. The inventors of record remain the inventors named on

the international application.

Applicant must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b).

Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 0 OCT 2008

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BARLESI et al. :
Application No.: 11/793,542 : DECISION ON REQUEST
PCT No.: PCT/EP05/56968 :
Int. Filing Date: 20 December 2005 :
Priority Date: 22 December 2004 :
Attorney Docket No.: 310785US6PCT :
For: LIQUID LEVEL SENSOR AND ESTIMATION METHOD

In a decision mailed by this Office on 24 April 2008, applicants' request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d). Specifically, applicants had not provided the required consent of the assignee to the requested change in inventorship.

On 20 June 2008, applicants filed the renewed request under 37 CFR 1.497(d) considered herein. The submission included the consent of the assignee to the requested correct of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Applicants' request to correct inventorship under 37 CFR 1.497(d) is GRANTED. The inventorship herein is corrected to add Volodia Naydenov as additional inventor of record.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

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10 MAR 2009

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In re Application of MEZEI et al :
U.S. Application No.: 11/793,548 :
PCT Application No.: PCT/HU2005/000136 :
Int. Filing Date: 16 December 2005 :
Priority Date Claimed: 18 December 2004 : DECISION
Attorney Docket No.: 23968 :
For: PROCESS FOR PREPARATION OF HIGH-PURITY MELOXICAM AND MELOXICAM POTASSIUM SALT :

This is in response to applicant's "Petition Under 37 CFR 1.181 or 1.183 for Late Acceptance of Papers" filed 07 January 2009, which is being treated as a petition to withdraw a holding of abandonment under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 16 December 2005, applicant filed international application PCT/HU2005/000136, which claimed priority of an earlier Hungary application filed 18 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 18 June 2007.

On 18 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 January 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905)[1], which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

[1] Copy attached.

On 02 January 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 07 January 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the Notification of Missing Requirements mailed 28 January 2008 was never received.

MPEP 711.03(c), Section I. A., "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" states in relevant part,

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The present petition states that the Notification of Missing Requirements was not received. However, the petition does not specifically state that a search of the practitioner's records, including any file jacket or the equivalent, and the application contents, indicates that the Notification of Missing Requirements was not received. Furthermore, the petition does not include a statement describing the system used for recording an Office action received at the correspondence address of record and establishing that the docketing system is sufficiently reliable. Moreover, the supplied docket record is insufficient. Petitioner must provide a copy of the master docket record for the practitioner's firm, listing all replies docketed for the due date for reply to the Notification of Missing Requirements. Such docket record must indicate that no response was due on 28 March 2008 for the present application.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

06 MAY 2009

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In re Application of MEZEI et al :
U.S. Application No.: 11/793,548 :
PCT Application No.: PCT/HU2005/000136 :
Int. Filing Date: 16 December 2005 :
Priority Date Claimed: 18 December 2004 : DECISION
Attorney Docket No.: 23968 :
For: PROCESS FOR PREPARATION OF HIGH-PURITY MELOXICAM AND MELOXICAM POTASSIUM SALT :

This is in response to applicant's renewed petition under 37 CFR 1.181.

BACKGROUND

On 16 December 2005, applicant filed international application PCT/HU2005/000136, which claimed priority of an earlier Hungary application filed 18 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 18 June 2007.

On 18 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 January 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 02 January 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 07 January 2009, applicant filed a petition under 37 CFR 1.181.

On 10 March 2009, this Office mailed a decision dismissing the 07 January 2009 petition.

On 09 April 2009, applicant filed the present renewed petition under 37 CFR 1.181.

DISCUSSION

The renewed petition states that the Notification of Missing Requirements mailed 28 January 2008 was never received.

MPEP 711.03(c), Section I. A., "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" states in relevant part,

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition states that the Notification of Missing Requirements was not received and that a search of the practitioner's records, including any file jacket or the equivalent, and the application contents, indicates that the Notification of Missing Requirements was not received. Furthermore, the petition includes a detailed statement describing the system used for recording an Office action received at the correspondence address of record and establishing that the docketing system is sufficiently reliable. Additionally, the petition includes a master docket record for the practitioner's firm, listing all replies docketed for the due date for reply to the Notification of Missing Requirements. Such docket record indicates that no response was due on 28 March 2008 for the present application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 02 January 2009 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 January 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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15 SEP 2008

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In re Application of	:	
SCHMOUKER et al.	:	
Application No.: 11/793,549	:	DECISION
PCT No.: PCT/EP2005/056695	:	
Int. Filing Date: 12 December 2005	:	
Priority Date: 17 December 2004	:	
Attorney Docket No.: PF040172	:	
For: DEVICE AND METHOD FOR TIME-SHIFTED PLAYBACK OF MULTIMEDIA DATA	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 10 June 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 12 December 2005, applicants filed international application PCT/EP2005/056695, which designated the United States and claimed a priority date of 17 December 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 June 2007 (17 June 2007 being a Sunday).

On 18 June 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 13 February 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a copy of an e-mail from a Florence Pac to non-signing inventor Robert Forthofer dated 16 October 2007 and an English translation thereof, a copy of an e-mail

from Florence Pac to Robert Forthofer date 25 January 2008 and an English translation thereof, a copy of a letter from Ms. Pac to Mr. Forthofer dated 12 November 2007 and an English translation thereof, a copy of a returned envelope and an English translation thereof, and a declaration of inventors.

On 17 March 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide factual proof that the missing joint inventor cannot be reached after diligent effort. Specifically, it was noted that a statement of facts had not been provided by a person, e.g., Florence Pac, having firsthand knowledge of the attempts to contact Mr. Forthofer, that, apart from the e-mails to Mr. Forthofer, it did not appear that any efforts (e.g., internet searches) to locate Mr. Forthofer had been made, and that, as to the e-mails, it was not clear whether or not they were received. It was also noted that documentary evidence, e.g., copies of internet searches, of the attempts to reach Mr. Forthofer was also required.

On 10 June 2008, applicants submitted the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of facts by Florence Pac and a copy of a Google search for Robert Forthofer.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 17 March 2008, items (1), (3), and (4) have been met.

Item (2) still has not been met. The declaration of facts by Florence Pac has been considered. It is still not clear whether or not the e-mails were received. (Absence of a message of "non-receipt" is not evidence that the e-mails were received.) Although a Google search was conducted for Robert Forthofer, it does not appear that any internet search using a people locator service was made.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request

should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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02 FEB 2009

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In re Application of	:	
SCHMOUKER et al.	:	
Application No.: 11/793,549	:	DECISION
PCT No.: PCT/EP2005/056695	:	
Int. Filing Date: 12 December 2005	:	
Priority Date: 17 December 2004	:	
Attorney Docket No.: PF040172	:	
For: DEVICE AND METHOD FOR TIME-SHIFTED PLAYBACK OF MULTIMEDIA DATA	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 12 November 2008 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 12 December 2005, applicants filed international application PCT/EP2005/056695, which designated the United States and claimed a priority date of 17 December 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 June 2007 (17 June 2007 being a Sunday).

On 18 June 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 13 February 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a copy of an e-mail from a Florence Pac to non-signing inventor Robert Forthofer dated 16 October 2007 and an English translation thereof, a copy of an e-mail from Florence Pac to Robert Forthofer date 25 January 2008 and an English translation thereof, a

copy of a letter from Ms. Pac to Mr. Forthofer dated 12 November 2007 and an English translation thereof, a copy of a returned envelope and an English translation thereof, and a declaration of inventors.

On 17 March 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide factual proof that the missing joint inventor cannot be reached after diligent effort. Specifically, it was noted that a statement of facts had not been provided by a person, e.g., Florence Pac, having firsthand knowledge of the attempts to contact Mr. Forthofer, that, apart from the e-mails to Mr. Forthofer, it did not appear that any efforts (e.g., internet searches) to locate Mr. Forthofer had been made, and that, as to the e-mails, it was not clear whether or not they were received. It was also noted that documentary evidence, e.g., copies of internet searches, of the attempts to reach Mr. Forthofer was also required.

On 10 June 2008, applicants submitted a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of facts by Florence Pac and a copy of a Google search for Robert Forthofer.

On 15 September 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide factual proof that the missing joint inventor cannot be reached after diligent effort. Specifically, it was noted that it was still not clear whether or not the e-mails were received and that although a Google search was conducted for Robert Forthofer, it did not appear that any internet search using a people locator service was made.

On 12 November 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a second declaration of facts by Flornece Pac and a copy of an internet search and an English translation thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 17 March 2008, items (1), (3), and (4) have been met.

Item (2) has now been met.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **13 February 2008**.

/Daniel Stemmer/

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02 FEB 2009

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Mr. Robert Forthofer
31 rue Etienne Dolet
F-35000 Rennes
France

In re Application of
SCHMOUKER et al.
Application No.: 11/793,549
PCT No.: PCT/EP2005/056695
Int. Filing Date: 12 December 2005
Priority Date: 17 December 2004
Attorney Docket No.: PF040172
For: DEVICE AND METHOD FOR TIME-SHIFTED PLAYBACK OF MULTIMEDIA DATA

Dear Mr. Forthofer:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent.or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

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12 JUL 2007

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In re Application of :
PARK, Nam Soo. :
Application No.: 11/793,552 : DECISION ON PETITION
PCT No.: PCT/KR04/02931 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 12 November 2004 :
Priority Date: 26 October 2004 :
Attorney Docket No.: CSN-0018 :
For: ACCELERATION SYSTEM FOR LINK BELT-MOUNTED SHIP

The petition to revive under 37 CFR 1.137(b) filed 18 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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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.
11/793,578	02/13/2008	Karel Jozef Florent Bolckmans	BIRD-003	5308

24353 7590 03/24/2010

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EXAMINER	
WARE, DEBORAH K	

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
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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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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

MAR 2 4 2010

In re Application of :
BOLCKMANS, KAREL JOZEF FLORENT :
Application No. 11/793578 :
Filed: February 13, 2008 :
Attorney Docket No. BIRD-003 :

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 23, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) 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 EPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request.
(5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) 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. It is noted that two EPO office actions were listed in the IDS filed on 5/27/2009 and the copies of the office actions have been provided. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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MAIL

MAR 13 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of
YAMAJI, YOSHIKI, et al.
Application No. 11/793,602
Filed: June 20, 2007
Attorney Docket No. KAT-268 NP

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 7, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

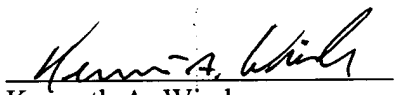
Petitioner has not complied with item 3 above in that claim 1 of the instant application does not sufficiently correspond to any of the allowed Japanese claims. For instance, the limitations relating to the object storage means and follow processing means are substantially different in the allowed claims (claim 1) of the Japanese application when compared to claim 1 of the U.S. application

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Norifumi Yasuda	: DECISION ON REQUEST FOR
Patent Number	: 7662512	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/793,652	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Hans Hecht	: DECISION ON REQUEST FOR
Patent Number	: 7607359	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/793,666	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Howrey LLP
c/o IP Docketing Department
2941 Fairview Park Drive, Suite 200
Falls Church, VA 22042

MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas G. Hill, Jr. et al.	:	
Application No. 11/793,668	:	DECISION ON PETITION
Filed: February 29, 2008	:	TO WITHDRAW
Attorney Docket No. BJSC.044U1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 29, 2008.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Jade O. Laye and all attorneys/agents of record have been revoked by the assignee of the patent application on January 19, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise 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: Zarian Midgley & Johnson, PLLC
University Plaza
960 Broadway Avenue, Suite 250
Boise, ID 83706

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SHELL OIL COMPANY
P O BOX 2463
HOUSTON, TX 77252-2463

11 SEP 2007

In re Application of	:	
BOSMA, Martin Gerard Rene et al.	:	
Application No.: 11/793,670	:	DECISION
PCT No.: PCT/EP2005/56716	:	
Int. Filing Date: 13 December 2005	:	ON PETITION UNDER
Priority Date: 15 December 2004	:	
Docket No.: TS6448 US	:	37 CFR 1.137(b)
For: METHOD OF SEALING AN ANNULAR SPACE IN A WELLBORE	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 21 June 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 19-1800, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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SEP 25 2009

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FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 18415
WASHINGTON DC 20036

In re Application of	:	
MATSUMOTO, SHINICHI	:	DECISION ON REQUEST TO
Application No. 11/793,679	:	PARTICIPATE IN PATENT
Filed: 10/22/2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 8156/91513	:	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 18, 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 Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

28 SEP 2007

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WILMERHALE/NITROMED
1875 PENNSYLVANIA AVE, NW
WASHINGTON DC 20006

In re Application of: GARVEY, David, et al.
U.S. Application No.: 11/793,724
Int'l Application No: PCT/US2005/041321
Int'l Filing Date: 15 November 2005
Priority Date: 15 November 2004
Atty Docket No.: 0102258.00394US4
For: DIURETIC COMPOUNDS COMPRISING HETEROCYCLIC NTRIC OXIDE DONOR GROUPS, COMPOSITIONS AND METHODS OF USE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicants have now submitted the small entity basic national fee. Deposit Account No. 08-0219 will be charged the $750 small entity petition fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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1 2 FEB 2010

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of :
Toth :
Application No.: 11/793,726 :
PCT No.: PCT/EP2005/013822 :
Int. Filing Date: 16 December 2005 : DECISION
Priority Date: 22 December 2004 :
Attorney Docket No.: BHD-4662-571 :
For: Process For Decomposing Cyclohexylhydroperoxide :

This is in response to the correspondence filed on 24 November 2009.

BACKGROUND

This international application was filed on 16 December 2005, claimed an earlier priority date of 22 December 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 June 2007. Applicants filed *inter alia* the basic national fee on 21 June 2007.

On 25 September 2009, a Notification of Missing Requirements (From PCT/DO/EO/905) was mailed, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Counsel requests vacatur of the Notification of Missing Requirements mailed on 25 September 2009. Inspection of the declaration filed on 13 February 2008 reveals that it satisfies the requirements of 37 CFR 1.497(a) and (b). As such, the Notification of Missing Requirements was mailed in error, and it is hereby **VACATED**.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **13 February 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

22 NOV 2007

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CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

In re Application of SUGAHARA et al	:	
U.S. Application No.: 11/793,738	:	
PCT Application No.: PCT/JP2005/023685	:	
Int. Filing Date: 22 December 2005	:	
Priority Date Claimed: 24 December 2004	:	DECISION
Attorney Docket No.: CSP-136-A	:	
For: ELECTRODE TIP HOLDER, WELDING METHOD, AND ELECTRODE TIP ADJUSTING DEVICE	:	

This is in response to the declaration filed 22 June 2007, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 22 December 2005, applicant filed international application PCT/JP2005/023685, which claimed priority of an earlier Japan application filed 24 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 June 2007.

On 22 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and the present request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 22 June 2007 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 December 2005, and a date under 35 U.S.C. 371(c) of 22 June 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

0 3 JUN 2008

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BENOIT CASTEL
YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA, VA 22314

In re Application of: GALE, Paul Alexander	:	
U.S. Application No.: 11/793780	:	
PCT Application No.: PCT/NZ2005/000261	:	
Int. Filing Date: 12 October 2005	:	DECISION
Priority Date: 12 October 2004	:	
Atty Docket No.: 4505-1059	:	
For: FOLDABLE CHAIR	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)" filed 21 June 2007.

BACKGROUND

On 12 October 2005, applicant filed international application PCT/NZ2005/000261, which claimed priority of an earlier New Zealand application filed 12 October 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 April 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2007.

International application PCT/NZ2005/000261 became abandoned as to the United States for failure to timely pay the basic national fee.

On 21 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) any terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371(c).

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.137(b) is **GRANTED.**

The application has an International Filing Date under 35 U.S.C 363 of 12 October 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 June 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Thor S. Campbell
Office of PCT Legal Administration
Telephone: (571) 272-6094

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

0 6 FEB 2008

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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

In re Application of SARTI et al	:	
U.S. Application No.: 11/793,788	:	
PCT Application No.: PCT/IB2005/002902	:	
Int. Filing Date: 29 September 2005	:	DECISION
Priority Date Claimed: 29 September 2004	:	
Attorney Docket No.: 078700-130000	:	
For: METHOD FOR SIMULATING AN ELECTRICAL CIRCUIT . . .	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 21 June 2007.

BACKGROUND

On 29 September 2005, applicant filed international application PCT/IB2005/002902, which claimed priority of an earlier Italy application filed 29 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 April 2006. The thirty-month period for paying the basic national fee in the United States expired on 29 March 2007.

International application PCT/IB2005/002902 became abandoned as to the United States for failure to timely pay the basic national fee.

On 21 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 June 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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DEC 0 3 2009

OFFICE OF PETITIONS

CLARK & BRODY
1090 VERMONT AVENUE NW
SUITE 250
WASHINGTON DC 20005

In re Application of :
Benoit, et al. :
Application No. 11/793,809 : DECISION ON PETITION
Filed: June 22, 2007 :
Attorney Docket No. 70869-0120 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 25, 2009.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed February 24, 2009. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on September 2, 2009, stating that no reply had been received.

A review of the application file reveals the presence of an Amendment, filed on August 24, 2009. A review of the Amendment reveals that it included an authorization to charge any extension of time fees to a deposit account. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

As Office records do not indicate that the extension of time fee was charged, nor has petitioner presented any evidence that it was charged, the $65 fee for the necessary one month extension of time has been charged to Deposit Account No. 50-1088, as authorized.

The matter is being forwarded to Group Art Unit 3763 for consideration of the Amendment, timely filed with a one month extension of time on August 24, 2009.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Serial no. :11/793841
Date Mailed : October 28, 2009
Patent No. : 7,566,724 B2
Patent Issued : July 28, 2009
Inventor(s) : Noriyuki Hirano, et al..
Title :GLYCINE DERIVATIVE AND USE THEREOF

Re: Request for Certificate of Correction

Inspection of the file of the application for the patent reveals that column 7, line 18, in the patent, is/are printed in accordance with the record in the Patent and Trademark Office, as passed to issued by the examiner. There being no fault on the part of 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 foregoing, your request for certificate of correction in this matter is hereby denied. However, further consideration will be given these matters, upon receipt of a request for certificate of correction under the provisions of 1.323, accompanied by the appropriate fee which is presently $100.

A certificate of correction will issue for the remaining errors, noted in your request.

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Magdalene Talley
For Mary Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(571)272-0423
Fax (571)270-9942

T. Daniel Christenbury
DLA Piper LLP (US)
1650 Market Street, Ste.4900
Philadelphia, PA 19103

MD/mt

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE, NC 27560

Mail Date: 04/21/2010

Applicant	: Stéphanie Thollon	: DECISION ON REQUEST FOR
Patent Number	: 7648942	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/793,888	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **116** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 1340
MORRISVILLE, NC 27560

Mail Date: 04/21/2010

Applicant	: Roger Boen	: DECISION ON REQUEST FOR
Patent Number	: 7658904	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/793,895	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/09/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE, NC 27560

Mail Date: 04/21/2010

Applicant	: Markus Gewehr	: DECISION ON REQUEST FOR
Patent Number	: 7598206	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/793,899	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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2 4 JUN 2008

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74877
KING and SPAULDING LLP
1700 Pennsylvania Ave., NW
Suite 200
Washington, DC 20006

In re Application of :
INGVARSSON *et al* :
U.S. Application No.: 11/793,925 :
PCT No.: PCT/SE2005/002047 :
Int. Filing Date: 23 December 2005 : **DECISION**
Priority Date: 23 December 2004 :
Attorney Docket No.: HPX0064 :
For: STORAGE CONTAINER GRANULAR :
FUEL, A DEVICE AND A METHOD :
FOR FEEDING THE FUEL FORWARD :

This decision is in response to applicants' "Petition Under 37 CFR § 1.47(a)" filed 21 April 2008.

BACKGROUND

On 19 December 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 17 April 2008, applicants filed a response which was accompanied by, *inter alia*, the subject petition; the $65.00 surcharge fee; the $200.00 petition fee; a two-month extension fee; a declaration signed on behalf of the nonsigning inventor; and documentary evidence in support of the petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that joint inventor Brian Larsson refuses to cooperate in the above-identified application and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 19 December 2007.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors. All items have been satisfied.

Concerning item (1), the petition fee of $200.00 has been paid.

Regarding item (2), the 37 CFR 1.47(a) applicants submitted evidence indicating that a complete copy of the above-captioned application was received by the nonsigning inventor on 22 February 2008. A copy of a letter from Mr. Larsson's attorney was received by applicant on 10 March 2008. Petitioners have submitted copies of the cover letter sent to Mr. Larsson dated 19 February 2008, the UPS delivery receipt, and the response from the nonsigning inventor's attorney. This letter constitutes a written refusal to cooperate. This is sufficient to show a refusal to cooperate pursuant to section 409.03(d) of the MPEP and meets item (2) above.

With regards to item (3), the last known address of Brian Larsson is given as:

Tuvagatan 22A
S-661 42 Säffle
Sweden

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by one of the two named co-inventors on behalf of themselves and the nonsigning joint inventor. The residence, address and citizenship of both inventors are recorded on the declaration. This declaration meets the requirements of section 409.03(a) and is in compliance with 37 CFR 1.497(a) and (b).

All requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 December 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 21 April 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of

the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

24 JUN 2008

Commissioner for Patents
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Brian Larsson
Tuvagatan 22A
S-661 42 Säffle
Sweden

In re Application of
INGVARSSON *et al*
U.S. Application No.: 11/793,925
PCT No.: PCT/SE2005/002047
Int. Filing Date: 23 December 2005
Priority Date: 23 December 2004
Attorney Docket No.: HPX0064
For: STORAGE CONTAINER GRANULAR FUEL, A DEVICE AND A METHOD FOR FEEDING THE FUEL FORWARD

Mr. Larsson:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

U.S. Counsel: KING and SPAULDING LLP
1700 Pennsylvania Ave., NW
Suite 200
Washington, DC 20006

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ARENA PHARMACEUTICALS INC./FINNEGAN
HENDERSON LLP
901 NEW YORK AVE. N.W.
WASHINGTON, D.C. 20001-4413

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MAY 25 2010

OFFICE OF PETITIONS

Applicant: Dominic P. Behan, et al.
Appl. No.: 11/793,941
International Filing Date: December 21. 2005
Title: 5ht2c Receptor Modulator Compounds and Methods Of Use
Attorney Docket No.: 10426.0100-00000
Pub. No.: US 2009/0197868 A1
Pub. Date: August 6, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 6, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error, resulting from faulty optical character recognition.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The errors in the specification and claims, may be Office errors, but the errors are not material errors in accordance with 37 CFR 1.221(b). The errors are due to faulty optical character recognition. The errors are due to the quality and size of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit...electronic capture by use of digital imaging and optical character recognition". As set forth at MPEP 1121, "applications with poor quality text, which may

[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).

acceptable for scanning and examination purposes, may lead to errors in the patent application publication.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. The text with respect to the superscripts and subscripts are very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d).

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 or the applications papers and the pro-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.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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

15 JUL 2010

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	DECISION
YUMOTO	:	
Application No.: 11/793,969	:	
PCT No.: PCT/JP2005/023868	:	
Int. Filing Date: 27 December 2005	:	
Priority Date: 28 December 2004	:	
Attorney Docket No.: 07384/HG	:	
For: METHOD FOR PATTERN FORMATION	:	
AND APPARATUS FOR PATTERN	:	
FORMATION	:	

This decision is in response to applicant's submissions filed 07 February 2008, 17 June 2008, 06 January 2010, and 13 February 2010, which request a corrected NOTICE OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and a corrected Filing Receipt. The submissions have properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 27 December 2005, applicant filed international application PCT/JP2005/023868, which designated the US and claimed a priority date of 28 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 July 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 June 2007.

On 25 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 27 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 09 October 2007, applicants filed a submission, including a USPTO date-stamped

postcard receipt, indicating that a declaration of inventors had been filed on 28 June 2007. The submission did not include a copy of the declaration of inventors.

On 09 January 2008, applicants filed a copy of the submission filed 09 October 2007 along with a copy of the declaration of inventors.

On 16 January 2008, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 09 October 2007 and a 35 U.S.C. 371 date of 09 October 2007 and a Filing Receipt indicating a "FILING or 371(c) DATE" of 09 October 2007. (See attachments to submission filed by applicants on 07 February 2008.)

On 07 February 2008, applicants filed a submission requesting a corrected NOTICE OF ACCEPTANCE OF APPLICATION indicating a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 09 October 2007 and a 35 U.S.C. 371 date of 28 June 2007 and a corrected Filing Receipt indicating a "FILING or 371(c) DATE" of 28 June 2007.

On 17 June 2008, applicants filed a request for corrected Filing Receipt requesting a corrected Filing Receipt indicating a "FILING or 371(c) DATE" of 28 June 2007.

On 29 December 2009, the USPTO mailed a NOTICE OF ALLOWANCE AND ISSUE FEE DUE (Form PTOL-85) which, *inter alia*, indicated the filing date of the application as 09 October 2007.

On 06 January 2010, applicants filed a request for corrected Filing Receipt requesting a corrected Filing Receipt indicating a "FILING or 371(c) DATE" of 28 June 2007.

On 03 February 2010, applicants filed a request for corrected Filing Receipt requesting a corrected Filing Receipt indicating a "FILING or 371(c) DATE" of 28 June 2007.

On 18 March 2010, applicants submitted the issue fee.

DISCUSSION

The submissions filed 07 February 2008, 17 June 2008, 06 January 2010, and 13 February 2010, request a corrected NOTICE OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and a corrected Filing Receipt indicating a "FILING or 371(c) DATE" of 28 June 2007.

The declaration of inventors filed 28 June 2007 has been located. It was inadvertently sent to Assignments Branch and was recorded along with the assignment. A copy of the

declaration with a receipt date of 28 June 2007 has been placed in the electronic file. Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION mailed 16 January 2008 contained the incorrect international 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) and 35 U.S.C. 371 dates. Thus, the NOTICE OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 16 January 2008 is **VACATED**.

A corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **28 June 2007** and corrected Filing Receipt will be mailed promptly.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

03 OCT 2008

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CLARK & BRODY
1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON DC 20005

In re Application of :
ASCHER, et al. :
PCT No.: PCT/EP05/56459 : DECISION ON PETITION
Application No.: 11/793,977 :
Int. Filing Date: 05 December 2005 : UNDER 37 CFR 1.47(a)
Priority Date: 24 December 2004 :
Atty. Docket No.: 71247-0081 :
For: MECHANICAL PIECE WITH IMPROVED :
DEFORMABILITY :

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 01 August 2008 in the United States Patent and Trademark Office (USPTO). Applicant is advised that the petition fee is $200.00. As such, the $70.00 difference not provided will be charged to deposit account number 50-1088 as authorized.

BACKGROUND

On 05 December 2005, applicant filed international application PCT/EP05/56459 which claimed priority to an earlier application filed 24 December 2004. A copy of the international application was communicated from the International Bureau (IB) to the United States on 29 June 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 June 2007.

On 25 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 24 March 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 01 August 2008, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of co-inventor Johannes Lammer accompanied by a petition for a three-month extension of time. With payment of the extension of time fee the

present response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items and it is appropriate to grant the petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 05 December 2005 under 35 U.S.C. 363, and will be given a date of **01 August 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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Alexandria, VA 22313-1450
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0 3 OCT 2008

Mr. Johannes Lammer
115, avenue d'Echallens,
1004 Lausanne
FRANCE

In re Application of
ASCHER, et al.
PCT No.: PCT/EP05/56459
Application No.: 11/793,977
Int. Filing Date: 05 December 2005
Priority Date: 24 December 2004
Atty. Docket No.: 71247-0081
For: MECHANICAL PIECE WITH IMPROVED DEFORMABILITY

Dear Mr. Lammer:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

Mr. Christopher Brody
Clark & Brody
1090 Vermont Avenue, NW
Suite 250
Washington, DC 20005
United States of America

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28 JAN 2008

James C. Lydon
100 Daingerfield Road
Suite 100
Alexandria, VA 22314

In re Application of
NICOLAI et al.
Application No.: 11/793,982
PCT No.: PCT/FR05/02187
Int. Filing Date: 02 September 2005
Priority Date: 28 September 2004
Attorney Docket No.: GERARD-001
For: MAXIMALLY DECONTAMINATING MIST SPRAYING DEVICE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 22 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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10 DEC 2008

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of	:	
OPSTELTEN	:	
Application No.: 11/793,998	:	DECISION ON PETITION
Filing Date: June 21, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 2578-8378US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 2, 2008, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to several prior-filed nonprovisional applications set forth in the amendment 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.

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a

proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states that the application "claims priority benefit from US application number 10/---, 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 Section 201.11, Rev. 5, August 2006, Reference to Prior Application(s).

The amendment to the specification filed with the present petition fails to state the relationship of U.S. Application No. 11/102,073 to the instant application. The amendment is further improper because it incorrectly states that U.S. Application No. 11/026,518 is a continuation in part of U.S. Application No. 10/494,140.

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop 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) 273-8300
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

12 MAY 2009

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of	:	
OPSTELTEN	:	
Application No.: 11/793,998	:	DECISION ON PETITION
Filing Date: June 21, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 2578-8378US	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 4, 2009, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed 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 applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR

1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the 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 applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, 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 1656 for appropriate action on the amendment filed February 4, 2009, 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

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Dirk Jan Elbertus Opstelten	: DECISION ON REQUEST FOR
Patent Number	: 7642078	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/793,998	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **182** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

12 MAY 2008

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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

In re Application of	:	
BEST et al.	:	DECISION on
Application No.: 11/794,013	:	
PCT No.: PCT/EP05/13680	:	
In. Filing Date: 19 December 2005	:	REQUEST
Priority Date: 21 December 2004	:	
Atty. Docket No.: HM-776PCT	:	
For: METALLURGICAL VESSEL WITH FIXING SYSTEM	:	

This is in response to applicant's "Request for Refund" filed 14 March 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 June 2007, within the thirty month deadline, applicant filed a transmittal letter requesting national stage entry for international application No. PCT/EP05/13680 along with the basic national fee, search fee and examination fee.

On 14 March 2008, applicant filed the instant request for refund of $400 to his deposit account.

DISCUSSION

Applicant acknowledges payment of $1,000 for the basic national fee, examination fee and search fee. On 06 February 2008, the USPTO refunded $500 for national search fee to applicant's credit card. The USPTO then charged of $400 for national stage search fee to applicant's deposit account. It is the $400 amount for which applicant requests a refund.

A review of the finance records for this application reveals that the $300 basic national stage fee (fee code 1631), $500 national search fee (fee code 1632), $200 national examination fee (fee code 1633) were charged on 28 June 2007 to applicant's credit card per the authorization. Thereafter, on 06 February 2008, after a USPTO fee review, the $500 search fee was refunded to applicant's credit card .

At the same time, the $400 national search fee was charged to applicant's deposit account . The $400 national search fee reflects the fact the search report was prepared by an authority (EPO) other than the US and provided to the USPTO.

CONCLUSION

Based on the above, the refund of the Request For Refund is **DISMISSED WITHOUT PREJUDICE**. A review of the USPTO finance records indicates that the appropriate fees have been charged thus far.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286

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PROTEUS BIOMEDICAL, INC.
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Jeremy FRANK, et al :
Application No. 11/794,016 : DECISION ON PETITION
Filed: April 2, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. PRTS-011CON (PRO-42) : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 20, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Bret E. Field, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3766 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

13 APR 2009

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
FLICK et al.	:	
Application No.: 11/794,019	:	DECISION
PCT No.: PCT/EP2005/056075	:	
Int. Filing Date: 18 November 2005	:	
Priority Date: 21 December 2004	:	
Attorney's Docket No.: 10191/5120	:	
For: METHOD FOR SENDING AN EMERGENCY CALL AND DEVICE	:	

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 13 January 2009.

BACKGROUND

On 18 November 2005, applicant filed international application PCT/EP2005/056075, which designated the United States and claimed a priority date of 21 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 June 2007.

On 21 June 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 07 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 12 December 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 07 February 2008 within the time period set therein.

On 13 January 2009, applicants submitted the instant "PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT" and a declaration of inventors.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been met. As to item (3), MPEP § 711.03(c), para. I.A. states that a "copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." Such a docket record has been provided. Thus, item (3) has been met as well.

Declaration of Inventors

The declaration of inventors filed 13 January 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 12 December 2008 is VACATED.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner

PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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26 MAR 2009

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
YANO et al.	:	
Application No.: 11/794,053	:	DECISION
PCT No.: PCT/JP05/23323	:	
Int. Filing Date:20 December 2005	:	
Priority Date: 28 December 2004	:	
Attorney Docket No.: Q102278	:	
For: CURABLE COMPOSITION	:	

This is a decision on applicant's"Petition under 37 CFR 1.182", in effect, requesting acceptance of an English translation as a replacement for the English translation filed in the above identified application 22 June 2007. A petition[1] is not required. The request to accept the English translation was filed in the United States Patent and Trademark Office (USPTO) on 27 January 2009. The $130 processing fee for filing the English translation after the thirty month period is required and has been charged to applicant's deposit account.

On 22 June 2007, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee and an English translation of the international application PCT/JP05/23323.

On 27 January 2009, applicant filed the instant request to accept an English translation for international application PCT/JP05/23323 as a replacement for the originally filed English translation. A correct English translation of the international application PCT/JP05/23323 was submitted. The new English translation of the international application filed on 27 January 2009 is accepted.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

[1] The petition fee will be refunded to applicant's deposit account.

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17 JUL 2007

WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

In re Application of HALTLI et al :
U.S. Application No.: 11/794,068 :
PCT Application No.: PCT/US2005/045818 :
Int. Filing Date: 16 December 2005 : DECISION
Priority Date Claimed: 17 December 2004 :
Attorney Docket No.: AM101787 :
For: ACTINOMADURA CHROMOPROTEIN, :
APOPROTEIN AND GENE CLUSTER :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 June 2007.

BACKGROUND

On 16 December 2005, applicant filed international application PCT/US2005/045818, which claimed priority of an earlier United States application filed 17 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 17 June 2007.

International application PCT/US2005/045818 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Thomas Letsch	: DECISION ON REQUEST FOR
Patent Number	: 7597281	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/794,100	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OLIFF & BERRIDGE, PLC
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ALEXANDRIA VA 22320-4850

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In re Application of	:	
Syuuji Sugawara, et al.	:	
Application No. 11/794,122	:	DECISION GRANTING PETITION
Filed: June 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 133023	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 18, 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 1, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 794 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.*

21 JUL 2009

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of :
KWOK, Philip Rodney :
Application No.: 11/794,150 :
PCT No.: PCT/AU2006/000238 :
Int. Filing Date: 24 February 2006 : DECISION
Priority Date: 01 March 2005 :
Docket No.: PTB-4398-708 :
For: RECOGNITION SYSTEM FOR AN :
APPARATUS THAT DELIVERS :
BREATHABLE GAS TO A PATIENT :

This decision is in response to Applicant's Request to Rescind Notification of Abandonment, filed in the above-captioned application on 29 October 2008. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 26 June 2007, applicants supplied a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee. Applicants had supplied a declaration for the United States under PCT Rule 26*ter* during the international phase.

On 29 January 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that the oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b), identifying the international application by international application number and by the international filing date was required. It set a TWO (2) MONTH extendable period for response.

On 29 February 2008, applicants sent a communication indicating that a declaration of inventorship was supplied during the international phase

On 20 October 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely respond to the Notification of Missing Requirements mailed 29 January 2008.

On 29 October 2008, applicants submitted this request to vacate the holding of abandonment, accompanied by a new declaration of the inventor.

DISCUSSION

The Notification of Abandonment issued in error. The Notification of Missing Requirements while correctly indicating that a compliant declaration was required, did not specifically state that the declaration filed under PCT 26*ter* was defective and why. Further, applicants responded to the Notification of Missing Requirements, though the response was defective. A Notification of Defective Response should have issued.

Applicants supplied a declaration within the time limit of PCT Rule 26*ter*, but it did not comply with PCT Rule 26*ter*. The declaration that applicants furnished reads "this declaration is directed to international application No. PCT/.....(if furnishing declaration pursuant to Rule 26*ter*)." As this declaration was not properly completed prior to execution by the inventors, it does not comply with 37 CFR 1.497(a)-(b). It fails to identify the international application to which it was directed.

On 29 October 2008, supplied a new declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

Applicants' petition under 37 CFR 1.181 to vacate the holding of abandonment is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 29 January 2008 is **VACATED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 20 October 2008 is **VACATED**.

This application is being forwarded to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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0 3 APR 2008

NATH & ASSOCIATES
112 South West Street
Alexandria VA 22314

In re Application of GRABAU
Application No.: 11/794,163
PCT No.: PCT/DK05/00812
Int. Filing: 21 December 2005
Priority Date: 21 December 2004
Attorney Docket No.: 28454U
For: OFFSHORE WIND TURBINE WITH DEVICE FOR ICE PREVENTION

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 13 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the unintentional delay in filing the national stage of the application the United States as an elected office by the 30th month after the filing of the priority application until the filing of this petition was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 13 July 2007.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Ernst Faber	: DECISION ON REQUEST FOR
Patent Number	: 7654198	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/794,194	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **196** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/794,212	04/01/2008	Yosuke Ueki	21680-247427	7943

26694 7590 11/02/2009

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER	

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
11/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

Applicant: Ueki et al.
Appl. No.: 11/794,212
Filing Date: April 1, 2008
Title: MATRIX TYPE SUSTAINED-RELEASE PREPARATION CONTAINING BASIC DRUG OR SALT THEREOF, AND METHOD FOR MANUFACTURING THE SAME
Attorney Docket No.: 21680-247427
Pub. No.: US 2009/0208579 A1
Pub. Date: August 20, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 28, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is reminded that if preliminary amendments are to be included in the publication, such amendments must be incorporated into the specification, claims, etc. The applicant is directed to the following

website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

The applicant is also reminded that any amendments the applicant wishes to include in the publication must be incorporated into the application parts. Amendments that are not incorporated into a clean specification, clean claims listing, etc, will **not** be included in the publication.

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 11/03/2009 KKING1
10/29/2009 INTEFSW 00000328 220261 11794212
01 FC:1504 300.00 CR

2 3 NOV 2007

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OSI Pharmaceuticals
41 Pinelawn Rd.
Melville NY 10017

In re Application of	:	
FYFE et al.	:	
Application No.: 11/794,219	:	DECISION
PCT No.: PCT/GB2005/050264	:	
Int. Filing Date: 23 December 2005	:	
Priority Date: 24 December 2004	:	
Attorney's Docket No.: NC-10018-PCT.US	:	
For: G-PROTEIN COUPLED RECEPTOR (GPR116)	:	
AGONISTS AND USE THEREOF FOR TREATING	:	
OBESITY AND DIABETES	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 20 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 December 2005, applicants filed international application PCT/GB2005/050264, which designated the U.S. and claimed a priority date of 24 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 June 2007 (24 June 2007 being a Sunday).

On 25 June 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, an authorization to charge the U.S. Basic National Fee to Deposit Account 38724.

On 03 October 2007, the USPTO mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States for failure to provide the U.S. Basic National Fee by thirty months from the priority date. The Deposit Account 38724 could not be found.

On 20 October 2007, applicants filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Item (1) has been satisfied. The U.S. Basic National Fee has been charged to Deposit Account 50-2783.

As to item (2), applicant submitted the petition fee on 20 October 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

11 APR 2008

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OSI Pharmaceuticals
41 Pinelawn Rd.
Melville NY 10017

In re Application of	:	
FYFE, Matthew et al.	:	
Application No.: 11/794,220	:	DECISION
PCT No.: PCT/GB2005/050265	:	
Int. Filing Date: 23 December 2005	:	ON PETITION UNDER
Priority Date: 24 December 2004	:	
Docket No.: NC-10019-PCT-US	:	37 CFR 1.137(b)
For: G-PROTEIN COUPLED RECEPTOR AGONISTS	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 29 January 2008 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The search fee, examination fee, and fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 50-2783, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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JAN 04 2010

The Nath Law Group
112 South West Street
Alexandria, VA 22314

In re Application of	:	
Etti Ben Shushan et al.	:	
Application No. 11/794,262	:	DECISION ON PETITION
Filed: May 29, 2008	:	TO WITHDRAW
Attorney Docket No. 47665	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 11, 2009.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to The Nath Law Group has been revoked by the assignee of the patent application on November 27, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed 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: Martin D. Moynihan d/b/a PRTSI, Inc.
P.O. Box 16446
Arlington, VA 22215

0 1 OCT 2007

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	:	
Satyanarayana et al.	:	
Application No.: 11/794,276	:	
PCT No.: PCT/IN05/00166	:	
Int. Filing Date: 25 May 2005	:	DECISION
Earliest Priority Date: 04 June 2004	:	
Attorney Docket No.: MAIWAL 3.3-028	:	
For: Novel Crystalline Forms Of Gatifloxacin	:	

The petition to revive under 37 CFR 1.137(b) filed 22 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

It is noted that the application file includes a copy of a declaration filed under PCT Rule 4.17(iv) which is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the United States Designated/Elected Office for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **22 June 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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12 JUL 2007

Michael H. Teschner
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

In re Application of :
SATYANARAYANA, et al. :
Application No.: 11/794,277 :
PCT No.: PCT/IN05/00366 : DECISION ON PETITION
Int. Filing Date: 11 November 2005 :
Priority Date: 19 November 2004 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: MAIWAL 3.3-029 :
For: PROCESS FOR THE PREPARATION OF NOVEL: AMORPHOUS MONTELUKAST SODIUM :

The petition to revive under 37 CFR 1.137(b) filed 22 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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17 JUL 2007

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

In re Application of CHAVA et al	:	
U.S. Application No.: 11/794,278	:	
PCT Application No.: PCT/IN2005/000251	:	
Int. Filing Date: 28 July 2005	:	DECISION
Priority Date Claimed: 02 August 2004	:	
Attorney Docket No.: MAIWAL 3.3-030	:	
For: RESOLUTION OF RACEMIC ORGANIC ACIDS . . .	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 June 2007.

BACKGROUND

On 28 July 2005, applicant filed international application PCT/IN2005/000251, which claimed priority of an earlier India application filed 02 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 02 February 2007.

International application PCT/IN2005/000251 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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BUCKNAM AND ARCHER
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Roberto Frattini	: DECISION ON REQUEST FOR
Patent Number	: 7631529	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/794,280	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **181** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Bruce L Adams
Adams & Wilks
17 Battery Place
Suite 1231
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Keiichi Tanaka	: DECISION ON REQUEST FOR
Patent Number	: 7589323	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/794,288	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **116** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Bruce L Adams
Adams & Wilks
17 Battery Place
Suite 1231
New York, NY 10004

Mail Date: 05/18/2010

Applicant : Keiichi Tanaka
Patent Number : 7589323
Issue Date : 09/15/2009
Application No: 11/794,288
Filed : 08/02/2007

: 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 **163** 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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/07/2010

Applicant	: Fredi Janz	: DECISION ON REQUEST FOR
Patent Number	: 7661328	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/794,289	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **285** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

16 DEC 2008

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	
GERTMAR, et al.	:	
U.S. Application No.: 11/794,317	:	DECISION ON PETITION
PCT No.: PCT/SE04/02037	:	
Int. Filing Date: 27 December 2004	:	UNDER 37 CFR 1.182
Priority Date: 27 December 2004	:	
Attorney's Docket No.: 43315-247102	:	
For: ELECTRIC POWER FLOW CONTROL	:	

This decision is in response to applicant's "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed 29 September 2008 in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.182 to change the name of inventor Erik Koldby-Nielsen to Erik Koldby. As authorized the $400.00 petition fee will be charged to deposit account number 22-0261.

BACKGROUND

On 27 December 2004, applicant filed international application PCT/SE04/02037. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 06 July 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 June 2007.

On 27 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a First preliminary amendment; an Application Data Sheet and an Information Disclosure Statement.

On 28 March 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The notice indicated that the last name of the second inventor differed from that on the published international application. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 28 May 2008, applicant responded with a combined declaration and power of attorney.

On 08 September 2008, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the filed declaration contained a discrepancy in the fifth listed inventor's name and thus was not a proper response to the Form PCT/DO/EO/905 mailed 28 March 2008. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or the extendable time remaining in the response period set forth in the Form PCT/DO/EO/905, whichever was longer.

On 29 September 2008, applicant filed the response considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.
>
> If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

Applicant has provided a document purporting to be a birth certificate showing the name change of inventor Koldby-Nielsen to Erik Koldby. However, the document is not in English and applicant has not provided an English translation and certification regarding the translator's fluency in the native language. Absent a signed statement from the inventor or translation of the document in question it is not possible to grant applicant's petition.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182."

Please direct future correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
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In re Application of	:	
GERTMAR, et al.	:	
U.S. Application No.: 11/794,317	:	DECISION ON PETITION
PCT No.: PCT/SE04/02037	:	
Int. Filing Date: 27 December 2004	:	UNDER 37 CFR 1.182
Priority Date: 27 December 2004	:	
Attorney's Docket No.: 43315-247102	:	
For: ELECTRIC POWER FLOW CONTROL	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.182" filed 17 February 2009 in the United States Patent and Trademark Office (USPTO) to change the name of inventor Erik Koldby-Nielsen to Erik Koldby.

BACKGROUND

On 16 December 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 17 February 2009, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 16 December 2008, the Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names; explaining that:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.
>
> If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

Applicant has provided a signed statement from the inventor supporting the previously filed birth certificate in which the inventor explains that he changed his name in the time period between the filing of the international application and entering the National stage in the United States. The signed statement contains both names and therefore it is appropriate to grant

applicant's renewed petition.

CONCLUSION

The renewed petition under 37 CFR 1.182 to change the inventor's name is **GRANTED**.

The application has an international filing date of 27 December 2004 under 35 U.S.C. 363 and will be given a date of **28 May 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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18 MAR 2009

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FALLS CHURCH, VA 22040-0747

In re Application of	:	DECISION ON
OOTSUBO et al	:	
PCT No.: PCT/JP2004/019627	:	
Application No: 11/794,341	:	
Int. Filing Date: 28 December 2004	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: 0037-0238PUS1	:	
For: STRUCTURE OF... SEALED BAG	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 27 February 2008. The petition fee has been paid.

BACKGROUND

On 28 December 2004, applicants filed international application PCT/JP2004/019627.

On 28 June 2007, applicants filed for entry into the national stage in the United States of America. Filed with the application was, *inter alia*, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the application at such time.

On 27 December 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from the date of this notice or by 32 months from the priority date for the application, whichever is later, in order to avoid abandonment of the national stage application.

On 27 February 2008, petitioner filed the current petition to file the current executed without the signature of the nonsigning inventor Ryouichi OOTSUBO.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1) and (3) -(4) of 37 CFR 1.47(a). However, item (2) of 37 CFR 1.47(a) has not been satisfied.

Regarding requirement (1), petitioner has provided the petition fee of $200 under 37 CFR 1.17(g).

Regarding requirement (2), the averments of Kazuya TANAKA are not sufficient to support a finding that the nonsigning inventor, OOTSUBO refuses to sign because it is unclear if a *bona fide* attempt was made to present a copy of the application papers to the nonsigning inventor for signature because the papers were mailed on February 2, 2008 and returned as undelivered with no forwarding address on February 4, 2008.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

Because the papers were undelivered, it is unclear if Mr. OOTSUBO still resides in that address. If not, then petitioner is under an obligation to try to find or reach Mr. OOTSUBO. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Although, Kazuya TANAKA states that an attempt was made to find a new address or phone number for Ryouichi OOTSUBO, but none could be found, Tanaka has not provided any evidence in the record of what attempt was made to find him. This statement is vague because the office does not know whether an internet search was conducted, a search in a phone directory was done or ex-workers were contacted for a forwarding address.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

> Ryouichi OOTSUBO
> 133-1, Higashishindou, Sakurai-shi
> Nara, Japan

Regarding requirement (4), petitioner has provided a provided a properly executed declaration.

Accordingly, the petition has not met the requirements under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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Facsimile: (571) 272-0459

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23 SEP 2009

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	:	DECISION ON
OOTSUBO et al	:	
Application No: 11/794,341	:	
PCT No.: PCT/JP2004/019627	:	
Int. Filing Date: 28 December 2004	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: 0037-0238PUS1	:	
For: STRUCTURE OF... SEALED BAG	:	37 CFR 1.47(a)

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed on 17 June 2008.

BACKGROUND

In a decision from this Office on 18 March 2009, the petition was dismissed.

On 17 June 2008, petitioner filed the present renewed petition accompanied with corroborating evidence showing diligent effort to locate the nonsigning joint inventor Ryouichi OOTSUBO.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied requirements (1) - (4) of 37 CFR 1.47(a).

The statements of Kazuya TANAKA are sufficient to show diligent effort to locate non-signing inventor Ryouichi OOTSUBO because an internet (Yahoo JAPAN) search was conducted and a phone directory "Hello Page" but both were unsuccessful in terms of discovering any new relevant address information about the non-signing inventor.

Accordingly, the actions enumerated by submitted statements are sufficient to establish that the non-signing inventor Ryouichi OOTSUBO could not be found or reached after diligent effort.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **27 February 2008.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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23 SEP 2009

Ryouichi OOTSUBO
133-1, Higashishindou, Sakurai-shi
Nara, Japan

In re Application of
OOTSUBO et al
PCT No.: PCT/JP2004/019627
Application No: 11/794,341
Int. Filing Date: 28 December 2004
Priority Date: NA
Attorney's Docket No.: 0037-0238PUS1
For: STRUCTURE OF... SEALED BAG

Dear: Mr. Ootsubo

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
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20 JUL 2007

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The Webb Law Firm
700 Koppers Building
436 Seventh Avenue
Pittsburg, PA 15219-1845

In re Application of	:	DECISION ON
DOLEH et al	:	
Application No.: 11/794,371	:	
PCT No.: PCT/NL2005/003363	:	
Int. Filing Date: 10 November 2005	:	PETITION UNDER
Priority Date: 10 November 2004	:	
Attorney's Docket No.: 0702-072165	:	
For: SEA WAVE ENERGY CONVERTER	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 28 June 2007.

BACKGROUND

On 10 November 2005, this international application was filed, claiming an earliest priority date of 10 November 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 10 May 2007. This international application became abandoned with respect to the United States at midnight on 10 May 2007 for failure to pay the required basic national fee.

On 28 June 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **28 June 2007.**

Rafael Bacares
PCT Legal Examiner
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Michael R. Henson & Associates, LLC
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In re Application of :
Ted Crawford :
Application No. 11/794,396 : DECISION ON PETITION
Effective Date: June, 27, 2007 :
Attorney Docket No. 2278 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 20, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 21, 2007 .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and surcharge of $65, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.

This application is being referred to Technology Center AU3723 for appropriate action by the Examiner in the normal course of business on the reply received.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

In re Application of	:	
DUBUC	:	
U.S. Application No.: 11/794,397	:	DECISION ON PETITION
PCT No.: PCT/US05/38466	:	
Int. Filing Date: 25 October 2005	:	UNDER 37 CFR 1.181
Priority Date: 30 December 2004	:	
Attorney Docket No.: GLOZ 2 00310	:	
For: TRAFFIC SIGNAL HAVING A UNIFORM LIGHT SURFACE	:	

This decision is in response to applicant's "Petition Under 37 C.F.R. §1.181 to Withdraw Notice of Abandonment" filed 08 September 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 25 October 2005, applicant filed international application PCT/US05/38466 which claimed priority of an earlier application filed 30 December 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 June 2007.

On 27 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 27 September 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 10 July 2008, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/905 mailed 27 September 2007 within the time period set therein and that above-identified application was abandoned as to the United States.

On 08 September 2008, applicant filed the petition considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant has provided a statement that the Form PCT/DO/EO/905 was never received, explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received and provided a signed statement describing the firm's docketing system. However, applicant has not included a copy of the relevant docket record where the Form 905 would have been docketed if received. As such, it is not possible to grant applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment.

It is noted that applicant has presently filed an executed declaration of the inventor. The assigning of a 35 U.S.C. 371 date will be held pending resolution of the abandonment of the application.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application remains **ABANDONED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

0 9 DEC 2008

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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FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

In re Application of	:	
DUBUC	:	
U.S. Application No.: 11/794,397	:	DECISION ON PETITION
PCT No.: PCT/US05/38466	:	
Int. Filing Date: 25 October 2005	:	UNDER 37 CFR 1.181
Priority Date: 30 December 2004	:	
Attorney Docket No.: GLOZ 2 00310	:	
For: TRAFFIC SIGNAL HAVING A UNIFORM LIGHT SURFACE	:	

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.181 to Withdraw Notice of Abandonment" filed 25 November 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 30 September 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment in the present application. Applicant was afforded two months to file any request for reconsideration.

On 25 November 2008, applicant filed the petition considered herein.

DISCUSSION

As detailed in the decision mailed 30 September 2008, the Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant previously satisfied all of the above elements minus the inclusion of a copy of the relevant docket record where the Form 905 would have been docketed if received. Applicant has presently satisfied this item and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons detailed above, applicant's renewed petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 10 July 2008 is hereby **VACATED**.

The application has an international filing date of 25 October 2005 under 35 U.S.C. 363 and will be given a date of **08 September 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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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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FOLEY & LARDNER, LLP
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007

COPY MAILED

DEC 2 9 2009

OFFICE OF PETITIONS

In re Application of :
Andreas Lerchner, et al. :
Application No. 11/794,412 : DECISION ON PETITION
Filed: June 26, 2007 : TO WITHDRAW
Attorney Docket No. 093286-0118 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: FANELLI STRAIN & HAAG PLLC
1455 PENNSYLVANIA AVE., NW
SUITE 400
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

FOLEY & LARDNER, LLP
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007

In re Application of	:	
Claudia Betschart, et al.	:	
Application No. 11/794,413	:	DECISION ON PETITION
Filed: June 26, 2007	:	TO WITHDRAW
Attorney Docket No. 093286-0119	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: FANELLI STRAIN & HAAG PLLC
1455 PENNSYLVANIA AVE., NW
SUITE 400
WASHINGTON, DC 20004

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JUL 17 2008

OFFICE OF PETITIONS

SHELL OIL COMPANY
P O BOX 2463
HOUSTON TX 77252-2463

In re Application of

BETTING, Marco
Application No. 11/794,434
Filed: October 01, 2007
Attorney Docket No. **TS9543US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. 1.36(b), filed April 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 request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MARTIN C. FLIESLER**
FLIESLER MEYER LLP
650 CALIFORNIA STREET 14TH FLOOR
SAN FRANCISCO, CA 94108

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Christoph Kern	: DECISION ON REQUEST FOR
Patent Number	: 7581520	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/794,462	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **23** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Yoshiyuki Nakamura	: DECISION ON REQUEST FOR
Patent Number	: 7649167	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/794,484	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **367** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 05/18/2010

Applicant : Yoshiyuki Nakamura
Patent Number : 7649167
Issue Date : 01/19/2010
Application No: 11/794,484
Filed : 06/25/2007

: 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 **407** 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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18 SEP 2007

PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of	:	
HALEVY-POLITCH, Jacob, et al.	:	
Application No.: 11/794,620	:	DECISION
PCT No.: PCT/IL2005/001210	:	
Int. Filing Date: 16 November 2005	:	ON REQUEST UNDER
Priority Date: 03 January 2005	:	
Attorney's Docket No.: P-9862-US	:	37 CFR 1.497(d)
For: INTERACTIVE ULTRASOUND-BASED DEPTH MEASUREMENT FOR MEDICAL APPLICATIONS	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 03 July 2007.

BACKGROUND

On 16 November 2005, applicant filed international application PCT/IL2005/001210, claiming a priority date of 03 January 2005. A copy of the international application was transmitted to the Office by the International Bureau on 13 July 2006. The deadline for entry into the national stage in the United States was midnight on 03 July 2007.

On 03 July 2007, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee, a declaration of the inventors and a request under 37 CFR 1.497(d).

DISCUSSION

Applicants file this request to remove Dan Adam, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied. Applicants provided a statement by Dan Adam and the processing fee.

Item (3) has not been satisfied. The written consent of the assignee must comply with 37 CFR 3.73. A review of the papers did not locate 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" a statement specifying where the chain of title is recorded in the assignment records of the Office. See 37 CFR 3.73(b)(1). Further, it is noted that the assignment has not been recorded nor has a recordation fee been paid.

Under MPEP 201.03, applicants' state that the inventor listed on the international application as "Jacob Halevi-Politch" should be listed as "Jacob Halevy-Politch" and that inventor "Andre Kraft," should be listed as "Andre Craft." Applicants assert that both naming discrepancies were typographical errors. Applicants have provided sufficient explanation.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

18 JAN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of	:	
HALEVY-POLITCH, Jacob, et al.	:	
Application No.: 11/794,620	:	DECISION
PCT No.: PCT/IL2005/001210	:	
Int. Filing Date: 16 November 2005	:	ON REQUEST UNDER
Priority Date: 03 January 2005	:	
Attorney's Docket No.: P-9862-US	:	37 CFR 1.497(d)
For: INTERACTIVE ULTRASOUND-BASED DEPTH MEASUREMENT FOR MEDICAL APPLICATIONS	:	

This decision is in response to applicant's renewed request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 15 November 2007.

BACKGROUND

On 18 September 2007, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicant's request.

On 15 November 2007, applicant filed this renewed request.

DISCUSSION

Applicants file this request to remove Dan Adam, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously satisfied.

Item (3) has now been satisfied. A written consent of the assignee in compliance with 37 CFR 3.73, has been submitted.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Stage Processing Branch of PCT Operations for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 03 July 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

12 AUG 2008

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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KRIEGSMAN & KRIEGSMAN
30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH, MA 01772

In re Application of BINDER et al :
U.S. Application No.: 11/794,628 :
PCT Application No.: PCT/DE2005/002324 :
Int. Filing Date: 27 December 2005 :
Priority Date Claimed: 30 December 2004 :
Attorney Docket No.: 82701 : DECISION
For: COMMUNICATIONS SYSTEM, :
INTERMEDIATE ELEMENT FOR A :
COMMUNICATIONS SYSTEM, AND :
METHOD FOR ESTABLISHING A :
COMMUNICATIONS LINK :

This is in response to applicant's "Petition Under 37 C.F.R. 1.47(a)" filed 24 July 2008.

BACKGROUND

On 27 December 2005, applicant filed international application PCT/DE2005/002324, which claimed priority of an earlier Germany application filed 30 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 July 2006. The thirty-month period for paying the basic national fee in the United States expired on 30 June 2007.

On 29 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 January 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 24 July 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventor Andreas Binder cannot be found. The petition includes purported evidence of attempts to reach Dr. Binder by postal mail and by searching a telephone directors (see affidavit of Stephan Altmeyer, Exhibits D, E, and F). However, an affidavit from the person with firsthand knowledge of such attempts (Regina Rösch) has not been furnished. Furthermore, as stated in Dr. Altmeyer's affidavit, the letters were apparently successfully delivered to Dr. Binder's last known address. Thus, it cannot be reasonably concluded that Dr. Binder cannot be located. It is noted that petitioner has not alleged that Dr. Binder refuses to sign.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are

available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

25 MAR 2009

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www.uspto.gov

KRIEGSMAN & KRIEGSMAN
30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH, MA 01772

In re Application of BINDER et al	:	
U.S. Application No.: 11/794,628	:	
PCT Application No.: PCT/DE2005/002324	:	
Int. Filing Date: 27 December 2005	:	
Priority Date Claimed: 30 December 2004	:	
Attorney Docket No.: 82701	:	DECISION
For: COMMUNICATIONS SYSTEM, INTERMEDIATE ELEMENT FOR A COMMUNICATIONS SYSTEM, AND METHOD FOR ESTABLISHING A COMMUNICATIONS LINK	:	

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.47(a)" filed 17 February 2009.

BACKGROUND

On 27 December 2005, applicant filed international application PCT/DE2005/002324, which claimed priority of an earlier Germany application filed 30 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 July 2006. The thirty-month period for paying the basic national fee in the United States expired on 30 June 2007.

On 29 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 January 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 24 July 2008, applicant filed a petition under 37 CFR 1.47(a).

On 12 August 2008, this Office mailed a decision dismissing the 24 July 2008 petition.

On 27 February 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Andreas Binder refuses to sign the application papers. The petition includes evidence of several mailings to Dr. Binder at both his last known home address and his last known work address (see affidavits of Regina Rösch and Stephan Altmeyer). Although Dr. Binder's failure to respond to the letters which were successfully delivered to him would constitute a constructive refusal to cooperate, the petition fails to show that a bona fide attempt was made to present a complete copy of the application papers to Dr. Binder for signature. While the evidence demonstrates that declaration and assignment documents were delivered to Dr. Binder, there is no mention of the specification, claims, and drawings ever being presented to Dr. Binder. Status under 37 CFR 1.47(a) would be grantable if it were shown that Dr. Binder did in fact receive a copy of the complete application papers.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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14 OCT 2009

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KRIEGSMAN & KRIEGSMAN
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SOUTHBOROUGH, MA 01772

In re Application of BINDER et al	:	
U.S. Application No.: 11/794,628	:	
PCT Application No.: PCT/DE2005/002324	:	
Int. Filing Date: 27 December 2005	:	
Priority Date Claimed: 30 December 2004	:	
Attorney Docket No.: 82701	:	DECISION
For: COMMUNICATIONS SYSTEM, INTERMEDIATE ELEMENT FOR A COMMUNICATIONS SYSTEM, AND METHOD FOR ESTABLISHING A COMMUNICATIONS LINK	:	

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.47(a)" filed 28 May 2009.

BACKGROUND

On 27 December 2005, applicant filed international application PCT/DE2005/002324, which claimed priority of an earlier Germany application filed 30 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 July 2006. The thirty-month period for paying the basic national fee in the United States expired on 30 June 2007.

On 29 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 January 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 24 July 2008, applicant filed a petition under 37 CFR 1.47(a).

On 12 August 2008, this Office mailed a decision dismissing the 24 July 2008 petition.

On 27 February 2009, applicant filed a renewed petition under 37 CFR 1.47(a).

On 25 March 2009, this Office mailed a decision dismissing the 27 February 2009 renewed petition.

On 28 May 2009, applicant filed the present second renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Andreas Binder refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Dr. Binder for signature (see April 2009 affidavit of Regina Rösch and Exhibits M, N, and O). Furthermore, the petition sufficiently demonstrates that Dr. Binder refuses to sign. In particular, Dr. Binder's failure to respond to the letters which were

successfully delivered to him is deemed a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Dr. Binder refuses to join in the application.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 July 2008.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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14 OCT 2009

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Andreas Binder
Muehlenstrasse 3
85609 Aschheim
GERMANY

In re Application of BINDER et al
U.S. Application No.: 11/794,628
PCT Application No.: PCT/DE2005/002324
Int. Filing Date: 27 December 2005
Priority Date Claimed: 30 December 2004
For: COMMUNICATIONS SYSTEM . . .

Dear Andreas Binder:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

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Attorney Docket No.: 82701

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21 AUG 2007

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of	:	
LENG	:	
Application No.: 11/794,629	:	DECISION ON
PCT No.: PCT/CN2004/0000868	:	
Int. Filing Date: 27 July 2004	:	PETITION UNDER
Priority Date: 21 November 2003	:	
Attorney Docket No.: 1991.78323	:	37 CFR 1.137(b)
For: A FOLDING STRUCTURE FOR A FOLDING CHAIR	:	

This decision is in response to applicant's submission filed 29 June 2007.

BACKGROUND

On 27 July 2004, applicant filed international application PCT/CN2004/000868 which designated the U.S. and claimed a priority date of 21 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 May 2006 (21 May 2006 being a Sunday).

On 29 June 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, an English translation of the international application as filed, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 29 June 2007.

As to item (2), applicant submitted the petition fee on 29 June 2007.

As to item (3), petitioner's statement that the "entire delay in filing the enclosed documents from the due date for the nationalization of this application until the filing of this petition was unintentional" has been construed as meaning that the "entire delay in filing the required reply (The required reply being the U.S. Basic National Fee.) from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventor filed 29 June 2007 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $65 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 07-2069.

Translation

The processing fee under 37 CFR 1.492(i) of $130 for providing an English translation later than thirty months from the earliest priority date has been charged to Deposit Account 07-2069.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
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Legal Administration
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12 SEP 2007

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CHICAGO, IL 60606

In re Application of	:	
LENG, Luhao	:	
Application No.: 11/794,630	:	DECISION
PCT No.: PCT/CN2005/000018	:	
Int. Filing Date: 05 January 2005	:	ON PETITION UNDER
Priority Date: 07 January 2004	:	
Docket No.: 1911.78467	:	37 CFR 1.137(b)
For: AN ATTRACT-MOLDED BED	:	

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 29 June 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b). The fee for late filing of the search fee, examination fee or oath or declaration and fee for furnishing the English translation after 30 months from the priority date will be charged to deposit account no. 07-2069, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 June 2007.

Erin P. Thomson

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17 JUL 2007

Greer, Burns & Crain, LTD
300 South Wacker Drive
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Chicago, IL 60606

In re Application of :
LENG, Luhao :
Application No.: 11/794,632 : DECISION ON PETITION
PCT No.: PCT/CN04/00893 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 04 August 2004 :
Priority Date: 19 January 2004 :
Attorney Docket No.: 1991.78033 :
For: FILM-COVERED PLASTIC BOARD AND ITS COMPOSITE BOARD

The petition to revive under 37 CFR 1.137(b) filed 29 June 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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16 JUL 2007

HEMINGWAY & HANSEN, LLP
1717 MAIN STREET
BANK ONE CENTER, SUITE 2500
DALLAS TX 75201

In re Application of AKHTAR et al.
Application No.: 11/794,633
PCT No.: PCT/US05/39115
Int. Filing: 31 October 2005
Priority Date: 02 November 2004
Attorney Docket No.: NNI 05073 PTUS / P 1037
For: PUSH TO TALK OPTIMIZATION

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the oath or declaration after the thirty month period, is required.

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31554
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Melville, NY 11747

In re Application of :
GORBATOVSKY, Dmitry :
U.S. Application No.: 11/794,636 :
PCT No.: PCT/IL2005/000209 :
Int. Filing Date: 20 February 2005 :
Priority Date: 19 February 2004 :
Docket No.: GORB579/1.3(1458-3PCT US) :
For: PORTFOLIO OPTIMIZATION :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 15 July 2009[1] is hereby **GRANTED** as follows:

The subject petition to revive is an appropriate response. The petition fee for a small entity has been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
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Tel.: (571) 272-3302

[1] Applicant submitted the petition to revive under 37 CFR 1.137(b) on 14 July 2009 without the required petition fee. Applicant provided the petition fee on 15 July 2009.

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19 OCT 2009

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Nields, Lemack and Frame, LLC
176 E. Main Street
Suite #5
Westborough, MA 01581

In re Application of	:	
IMAIZUMI, et al.	:	
Application No.: 11/794,637	:	DECISION ON PETITION
PCT No.: PCT/JP2005/023353	:	
Int. Filing Date: 20 December 2005	:	UNDER 37 CFR 1.181
Priority Date: 06 January 2005	:	
Attorney Docket No.: 441P111	:	
For: LIQUID CRYSTAL SEALING MATERIAL AND LIQUID CRYSTAL DISPLAY CELLS MADE BY USING THE SAME	:	

This decision is in response to applicant's correspondence filed 18 August 2009, requesting that the United States Patent and Trademark Office (USPTO) correct the 371(c) date for the above captioned application to 23 August 2007. The request is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 20 December 2005, applicant filed international application PCT/JP2005/023353, which claimed a priority date of 06 January 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 July 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 06 July 2007.

On 02 July 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and an English translation of the international application.

On 23 August 2007, applicant filed an executed declaration of the inventors.

On 30 July 2009, applicant was mailed a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) indicating an date of completion of all 35 U.S.C. 371 requirements of 20 June 2008.

On 18 August 2009, applicant filed the petition considered herein.

DISCUSSION

An examination of the application file finds that the last of the 35 U.S.C. 371 requirements was the executed declaration filed on 23 August 2007. As such, it is proper to **GRANT** applicant's petition at this time.

The application has an international filing date of 20 December 2005 under 35 U.S.C. 363 and will be given a date of **23 August 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) mailed 30 July 2009 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

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24 JUL 2007

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In re Application of :
ALLAWAY :
Application No.: 11/794,657 :
PCT No.: PCT/AU05/00799 : DECISION ON PETITION
Int. Filing Date: 03 June 2005 :
Priority Date: 03 June 2004 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: A-10540 :
For: APPARATUS FOR CLEANING SYNTHETIC GRASS :

The petition to revive under 37 CFR 1.137(b) filed 03 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the national phase application, from the date of abandonment to the present time, was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 03 June 2004 under 35 U.S.C. 363 and will be given a date of **03 July 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

23 JUL 2007

Marc S. Weiner
Birch, Stewart, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of	:	
YOUNG	:	
Application No.: 11/794,667	:	
PCT No.: PCT/US04/35640	:	DECISION ON PETITION
Int. Filing Date: 28 October 2004	:	
Priority Date: 28 October 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 5007-0108PUS2	:	
For: METHOD FOR BIOREMEDIATION AND BIODEGRADABLE PRODUCT THEREFOR	:	

The petition to revive under 37 CFR 1.137(b) filed 03 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 28 October 2004 under 35 U.S.C. 363 and will be given a date of **03 July 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

MAY 20 2009

OFFICE OF PETITIONS

Applicant: Peeters, et al.
Appl. No.: 11/794,719
Filing Date: November 8, 2007
Title: BROAD-AREA MICROLASERS AND METHODS FOR DRIVING THEM
Attorney Docket No.: PEET3010/JEK
Pub. No.: 2008/02472426 A1
Pub. Date: October 9, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 8, 2008, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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20 JUL 2007

Bio Intellectual Property Services (BIO IPS) LLC
8509 Kernon Ct.
Lorton, VA 22079

In re Application of :
BANKS et al. :
Application No.: 11/794,722 : DECISION ON PETITION
PCT No.: PCT/AU03/01158 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 05 September 2003 :
Priority Date: 05 September 2002 :
Attorney Docket No.: None :
For: PORTABLE IMAGE PROJECTION DEVICE

The petition to revive under 37 CFR 1.137(b) filed 05 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in submitting the required reply or other required action, from the due date for reply or other action until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3). **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 .137(b) was unintentional. See Changes to Patent and Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).**

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-329
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

26 JUN 2009

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of :
REN, et al. :
U.S. Application No.: 11/794,747 : DECISION ON PETITION
PCT No.: PCT/US05/46909 :
Int. Filing Date: 23 December 2005 : UNDER 37 CFR 1.182
Priority Date: 06 January 2005 :
Attorney's Docket No.: 39532-246130 :
For: FOSSIL FUEL DESULFURIZATION :

This decision is in response to applicant's "Petition Under 37 C.F.R. §1.182 " filed 03 June 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 December 2005, applicant filed international application PCT/US05/46909 which claimed priority to an earlier application filed 06 January 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 July 2007.

On 05 July 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First preliminary amendment. Applicant did not file an executed oath or declaration of the inventor.

On 21 August 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 20 November 2008, applicant filed an executed combined declaration and power of attorney.

On 14 May 2009, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the filed declaration did not comply with 37 CFR 1.497 (a) and (b) and thus was not a proper response to the Form PCT/DO/EO/905 mailed 21 August 2008. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or the extendable time remaining in the response period set forth in

the Form PCT/DO/EO/905, whichever was longer.

On 03 June 2009, applicant filed the present petition under 37 CFR .1182 to change the name of inventor Julia E. Barker to Julia E. Barker Paredes.

DISCUSSION

The present petition is accompanied by a statement setting forth the procedure whereby the change of name was effected; namely by marriage. The statement is executed by Mrs. Barker Paredes identifying her current married name and her maiden name. As such, it is appropriate to grant applicant's petition at this time and accept as compliant the combined declaration and power of attorney filed 20 November 2008. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Julia E. Barker to Julia E. Barker Paredes is **GRANTED**.

The application has an international filing date of 23 December 2005 under 35 U.S.C. 363 and will be given a date of **20 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

20 APR 2010

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	DECISION ON
LAHIRI et al.	:	
Serial No.: 11/794,793	:	
PCT No.: PCT/IN06/00039	:	PETITION UNDER
Int. Filing Date: 06 January 2006	:	
Priority Date: None	:	
Attorney's Docket No.: 11336.0080USWO	:	37 CFR 1.10(c)
For: SEPARATION OF NO-CARRIER-ADDED THALLIUM RADIONUCLIDES FROM NO-CARRIER-ADDED LEAD AND MERCURY RADIONUCLIDES BY DIALYSIS	:	

This decision is in response to applicant's "Request for Corrected Filing Receipt" treated as a Petition under 37 CFR 1.10(c) to correct filing date, filed 26 February 2010, to accord a filing date of 03 July 2007 to the above-identified application papers. No petition fee is required.

BACKGROUND

Applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee. These papers were accorded a filing date of 02 July 2007.

On 12 November 2009, a Notification of Acceptance was mailed to applicant, indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements was 02 July 2007 and that the date of completion of all 35 U.S.C. 371 requirements was 02 July 2007.

On 26 February 2010, applicant filed a request for corrected filing receipt, treated as a petition under 37 CFR 1.10(c), requesting a corrected filing date of 03 July 2007. The petition included a copy of the Customer Receipt of the "Express Mail" mailing label #EV851834650US.

DISCUSSION

A review of the application file reveals that applicant filed a transmittal letter for entry into the national stage. No indication of the Express Mail #EV851834650US appears therein. A review of the USPTO finance records for this application indicates that the basic national fee was paid.

37 CFR 1.10(c) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant requests that the national stage papers be accorded a filing date of 03 July 2007. A review of the Express Mail label #EV851834650US reveals that it was addressed to the "Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450". The Customer Copy of the Express Mail label bears a USPS barrel stamp of "JUL 3 2007" and a "Date-In" of "7/3/07".

This is sufficient evidence to establish with reasonable certainty that the national stage papers were deposited with the United States Postal Service as an "Express Mail" Mailing on 03 July 2007. Specifically, the number of the "Express Mail" mailing label appears to have been placed on a paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail. Since there is an indication of the "Express Mail" label number appearing on the Transmittal Letter which ties the "Express Mail" label and the papers together, it can be concluded that the national stage papers were deposited on 03 July 2007. The requirements of 37 CFR 1.10(c) are satisfied and the filing date of the National stage papers will reflect the date the papers were received, 03 July 2007.

Therefore, the 12 November 2009 Notification of Acceptance is **VACATED**.

The filing date of the application is the international filing date, 06 January 2006. The 35 U.S.C. 371 date is the date that all of the requirements of 35 U.S.C. 371(c) are completed, 03 July 2007. *See* MPEP §1893.03(b) regarding The Filing Date of a U.S. National Stage Application.

CONCLUSION

Applicant's petition requesting that the national stage papers be accorded a receipt date of 03 July 2007 is **GRANTED**. Applicant's request for corrected filing receipt is **GRANTED.** It is noted that the first inventor's city should be corrected to Kolkata.

The 12 November 2009 Notification of Acceptance is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accordance with this decision, including issuance of a new Notification of Acceptance.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: 571-272-3286
Fax: 571-273-0459

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TECHNOLOGY CENTER 2800

Martin D. Moynihan
PRTSI, Inc
P.O. Box 16446
Arlington, VA 22215

In re Application of:
Rousso et al..
Serial No.: 11/794,799
Filed: 05 July 2007
Attorney Docket No.: **39221**

DECISION ON PETITION
FOR USE OF COLOR PHOTOGRAPHS
UNDER 37 C.F.R 1.84(a)(2) AND (b)(2)

This is a decision in response to the petition under 37 C.F.R. 1.84(a)(2) and (b)(2) filed June 22, 2006. The petition fee has been paid.

The petition is **GRANTED**.

The Petition sets forth the required fee, three sets of color photographs, and the required paragraph in the Specification.

Accordingly, the color photographs are accepted as formal drawings in the above-referenced application.

David P. Porta, Supervisor
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

02 SEP 2008

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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

In re Application of	:	
SAITO, Shinchiro et al.	:	
Application No.: 11/794,820	:	
PCT No.: PCT/JP2005/023859	:	
Int. Filing Date: 27 December 2005	:	DECISION
Priority Date: 06 January 2005	:	
Attorney Docket No.: NAKAI-012US	:	
For: DEVICE AND METHOD FOR PROCESSING CEMENT KILN COMBUSTION EXHAUST GAS	:	

This decision is in response to applicants' Reply to Notification of Defective Response, filed with the United States Patent and Trademark Office on 06 May 2008.

BACKGROUND

On 08 January 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 14 January 2008, applicants submitted a declaration of the inventors. The 6th named inventor did not match the published international application.

On 28 April 2008, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the 6th named inventor did not match the international application and that the Office was not in receipt of a Form PCT/IB/306 indicating that a change in the name of the inventor had been recorded.

DISCUSSION

The inventorship in an international application is set during the international phase. The inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. The international application lists the sixth named inventor as "Nobuyuki Masaki," but the declaration lists the sixth named inventor as "Shinyuki Masaki." The Office does not have a record of the recording of a change under PCT Rule 92*bis*.

If the error is the result of a typographical or transliteration error, it can be corrected by a statement under MPEP 201.03 stating either that it was a typographical or a transliteration error and specifying the correct name. A "clerical error" is not grounds for such a change. Further, the issue is not that the original declaration listed an incorrect name, but that the inventive entity listed on the executed declaration does not match the inventive entity stated in the international phase.

If the error in naming the sixth named inventor is other than a typographical or transliteration error, a petition under 37 CFR 1.182, as set out in MPEP 605.04(c) would be required.

CONCLUSION

A proper response is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

10 NOV 2008

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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

In re Application of :
SAITO, Shinchiro et al. :
Application No.: 11/794,820 :
PCT No.: PCT/JP2005/023859 :
Int. Filing Date: 27 December 2005 : DECISION
Priority Date: 06 January 2005 :
Attorney Docket No.: NAKAI-012US :
For: DEVICE AND METHOD FOR :
PROCESSING CEMENT KILN :
COMBUSTION EXHAUST GAS :

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 30 September 2008.

BACKGROUND

On 02 September 2008, the Office mailed Decision, dismissing applicant's request to accept the declaration of the inventors and to excuse the discrepancy in the naming of the 6th inventor as a "clerical error".

On 30 September 2008, applicants filed this petition under 37 CFR 1.182 to correct the name of the 6th inventor.

DISCUSSION

The international application lists the sixth named inventor as "Nobuyuki Masaki," but the declaration lists the sixth named inventor as "Shinyuki Masaki." The inventor has supplied a statement signed by Shinyuki Masaki stating that his name was incorrectly listed in the international application and he asks that his name be correctly reflected on the application. This is adequate explanation.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 14 January 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

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OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of :
Sadao Takaki :
Application No. 11/794,890 :
Filed: July 9, 2007 :
Attorney Docket No. 14006/10 :

CORRECTED
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 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 **DISMISSED** as moot.

A review of the record shows that the petition filed on June 25, 2007 was placed in the wrong application because there were not enough status identifiers to properly match the petition with the right application.

The decision on Petition filed June 25, 2007 has been removed from this file and placed in the right application and the decision mailed on September 24, 2007 is hereby vacated as of the mailing of this letter.

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.

April M. Wise
Petitions Examiner
Office of Petitions

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

10/19/07

In re Application of	:	
Kobayashi, Masaaki	:	DECISION ON REQUEST TO
Application No. 11/794,912	:	PARTICIPATE IN PATENT
Filed: Jul. 9, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 960/226	:	PILOT PROGRAM AND PETITION
For: Fuel Addition Apparatus	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed Sep. 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 the IDS and a copy of Japanese patent publications are acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Stephen Cronin, SPE of Art Unit 3747, 571-272-4536.

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

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Masaaki Kobayashi	: DECISION ON REQUEST FOR
Patent Number	: 7607292	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/794,912	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **115** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/794,927	04/02/2008	Zhibiao Wang	5449-072381	6097

7590 03/24/2009

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER	
WOODWARD, MICHAEL P	

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
03/24/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

07 JUL 2008

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United States Patent and Trademark Office
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www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re Application of	:	
UEHARA	:	
Application No.: 11/794,947	:	COMMUNICATION
PCT No.: PCT/JP2006/300407	:	
Int. Filing Date: 10 January 2006	:	
Priority Date: 11 January 2005	:	
Attorney Docket No.: 132960	:	
For: CONDUCTIVE POLYMER, CONDUCTIVE LAYER, ELECTRONIC DEVICE, AND ELECTRONIC EQUIPMENT	:	

This communication is in response to applicant's submission filed 10 December 2007.

BACKGROUND

On 10 January 2006, applicant filed international application PCT/JP2006/300407, which designated the U.S. and claimed a priority date of 11 January 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 July 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 July 2007.

On 05 July 2007, application papers requesting national stage entry in the United States for PCT/JP2006/300407 were submitted by a representative for the applicant from the law firm of Hogan & Hartson LLP. These papers were accompanied by the requisite basic national fee and were assigned U.S. application number 11/813,419.

On 10 July 2007, application papers requesting national stage entry in the United States for PCT/JP2006/300407 were submitted by a representative for the applicant from the law firm of Oliff & Berridge, PLC. These papers were accompanied by the requisite basic national fee and were assigned U.S. application number 11/794,947.

DISCUSSION

The submission of two different sets of application papers to enter the national stage in the United States was improper. In view of the combined declaration and power of attorney submitted on 10 July 2007 granting power of attorney to Oliff & Berridge, PLC applicants have selected Oliff & Berridge, PLC as their representatives for national stage processing under 35 U.S.C. 371.

Accordingly, application number 11/813,419 will be deactivated.

CONCLUSION

Application number 11/794,947 will continue to be processed under 35 U.S.C. 371.

Applicants should use application number 11/794,947 in all future communications with the USPTO in regards to the U.S. national stage application based on international application PCT/JP2006/300407.

Application number 11/794,947 is being forwarded to the DO/EO/US for further processing in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

COPY MAILED

SEP 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Takahashi et al.	:	DECISION ON PETITION
Application No. 11/794,950	:	TO WITHDRAW
Filed: July 10, 2007	:	FROM RECORD
Attorney Docket No. 081356-0284	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Stephen A. Bent, on behalf of all practitioners of record who are associated with Customer Number 22428.

All attorneys/agents associated with the Customer Number 22428 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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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
11/794,950	07/10/2007	Nobuaki Takahashi	

CONFIRMATION NO. 7149

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000037658466

Date Mailed: 09/03/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/11/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT and TRADEMARK OFFICE

17 MAR 2009

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WASHINGTON, DC 20007

In re Application of	DECISION ON
GEISLER et al	
Application No.: 11/794,951	
PCT No.: PCT/EP2006/050129	
Int. Filing Date: 10 January 2006	PETITION UNDER
Priority Date: 12 January 2005	
Attorney's Docket No.: RLL-266US	
For: METHOD OF LASER	
WELDING	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 C.R.F. § 1.47(a)" filed on 30 June 2008. The $200.00 petition fee has been charged to petitioner Deposit Account No.: 19-0741 as stipulated in the petition.

BACKGROUND

On 10 January 2006, applicants filed international application PCT/EP06/050129, which claimed priority to an earlier application filed 07 June 2002. The thirty (30) month time period for paying the basic national fee in the United States of America expired at midnight on 12 July 2007. A copy of the intentional application was transmitted on 20 July 2006 to the USPTO from the International Bureau.

On 10 July 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 28 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date." The notice also indicated that the items must be submitted within two months from the mailing date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 30 June 2008, petitioner filed the present petition under 37 CFR 1.47(a) accompanied, inter alia, an executed Declaration without the signature of Matthew Cooper.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the

application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1), and (3) of 37 CFR 1.47(a). However, items (2) and (4) have not been satisfied.

Regarding item (1), petitioner has provided the proper fee of $200.00 under 37 CFR 1.17(g).

Regarding item (2), Martina Tiedemann states on June 11, 2007 she prepared and mailed the application papers to Mr. Cooper, and was sent by registered letter with an Advice of Delivery. She then states to date, Mr. Cooper has not responded to the letter requesting his signature. However, no documentary evidence to support this assertion has been provided such as a signed postal receipt and the cover letter addressed to Mr. Cooper instructing him what to do, or other evidentiary proof that the information was delivered.

The current record does not sufficiently establish Mr. Cooper refusal to join in the patent application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required papers.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Matthew Cooper
JahnstraBe 34
63801 Kleinostheim
Germany

Regarding item (4), petitioner has provided a defective executed composite declaration. The composite declaration is defective because it comprises of 3 sets of declaration, which only one is complete comprising of 4 sheets (pages 1-4). The other two sets only contain page 4 and are therefore each set is missing pages 1-3. A composite declaration under 37 CFR 1.497(a) and (b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. In this case there appears to be only one set that is.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Consequently, the petition has not met the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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18 SEP 2009

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WASHINGTON, DC 20007

In re Application of	:	DECISION ON
GEISLER et al	:	
Application No.: 11/794,951	:	
PCT No.: PCT/EP2006/050129	:	
Int. Filing Date: 10 January 2006	:	PETITION UNDER
Priority Date: 12 January 2005	:	
Attorney's Docket No.: 026032-5285	:	
For: METHOD OF LASER	:	
WELDING	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 17 July 2009.

BACKGROUND

In a decision from this Office on 17 March 2009, the petition filed on 30 June 2008 was dismissed. The decision stated that items (2) and (4) were not met.

On 17 July 2009, petitioner filed the instant renewed petition under 37 CFR 1.47(a), which included copies of the cover letters mailed to Mr. Cooper and the postal receipt, and also a properly executed composite declaration.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the

inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has now satisfied item (4) thus satisfying items (1), (3), and (4) of 37 CFR 1.47(a). However, item (2) has still not been satisfied.

Regarding item (2), in this case, it has been sufficiently demonstrated that a copy of the application papers were mailed to the non-signing inventor, Mr. Cooper. However, although documentary evidence to support this assertion has been provided such as the cover letters, and postal receipt the documents are in a foreign language and no English translation has been provided with the petition. Consequently, it is unclear what is said in the cover letters and postal receipt.

Regarding item (4), a properly executed declaration has been provided.

Therefore, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT and TRADEMARK OFFICE

14 JAN 2010

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FOLEY AND LARDNER LLP
SUITE 500
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WASHINGTON, DC 20007

In re Application of	:	DECISION ON
GEISLER et al	:	
Application No.: 11/794,951	:	
PCT No.: PCT/EP2006/050129	:	
Int. Filing Date: 10 January 2006	:	PETITION UNDER
Priority Date: 12 January 2005	:	
Attorney's Docket No.: 026032-5285	:	
For: METHOD OF LASER	:	
WELDING	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 18 November 2009. The petition fee has been paid.

BACKGROUND

In a decision from this Office on 18 September 2009, the petition filed on 17 July 2009 under 37 CFR 1.47(a) was dismissed. The decision stated that items (2) and (4) had not been satisfied.

On 18 November 2009, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 18 September 2009 with respect to accepting the above application without the signature of Mr. Cooper.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 18 November 2009 has satisfied item (2) under 37 CFR 1.47(a).

Item (2) has been satisfied because petitioner has submitted translated copies of documentary evidence such as mail receipt and cover letter to support the allegation the applications papers being mailed to Mr. Cooper and his refusal to sign the required papers.

Consequently, at this time it can be concluded that Mr. Cooper has refused to sign the documents.

Petitioner has now filed a properly executed declaration complying with 37 CFR 1.497(a)(3).

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **17 July 2009.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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14 JAN 2010

Matthew Cooper
JahnstraBe 34
63801 Kleinostheim
Germany

In re Application of
GEISLER et al
Application No.: 11/794,951
PCT No.: PCT/EP2006/050129
Int. Filing Date: 10 January 2006
Priority Date: 12 January 2005
Attorney's Docket No.: 026032-5285
For: METHOD OF LASER WELDING

Dear: Mr. Cooper

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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15 JUL 2008

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
LYNCH, et al.	:	
U.S. Application No.: 11/794,957	:	DECISION ON PETITION
PCT No.: PCT/AU06/00033	:	
Int. Filing Date: 12 January 2006	:	UNDER 37 CFR 1.497(d)
Priority Date: 12 January 2005	:	
Attorney Docket No.: 4398-718	:	
For: REINFORCING MEMBER FOR A PATIENT INTERFACE	:	

This decision is in response to applicant's "Petition to Correct Inventorship Under Rule 1.48(a)" filed 19 June 2008 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.497(d). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 12 January 2006, applicant filed international application PCT/AU06/00033 which claimed priority to an earlier application filed 12 January 2005. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 20 July 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 July 2007.

On 10 July 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee; an Information Disclosure Statement and a first preliminary amendment.

On 19 March 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 19 June 2008, applicant responded with the present petition accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) the fee set forth in 37 CFR 1.17(h); and

(3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and

(4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied all four items and it is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 12 January 2006 and will be given a date of **19 June 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

0 7 OCT 2008

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BAKER & HOSTETLER LLP
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1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

In re Application of	
FRANK, Werner-Jakob et al.	
Application No.: 11/794,960	DECISION ON
PCT No.: PCT/EP2005/000106	
Int. Filing Date: 09 January 2006	REQUEST
Priority Date: 11 January 2005	
Attorney's Docket No.: 87433.3102	UNDER 37 CFR 1.42
For: METHOD AND APPARATUS FOR ELECTROSTATICALLY CHARGING AND SEPARATING PARTICLES THAT ARE DIFFICULT TO SEPARATE	

This decision is in response to applicant's request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 09 July 2008.

BACKGROUND

On 07 January 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration was required.

On 09 July 2008, applicant filed a declaration of the inventor and this request under 37 CFR 1.42 accompanied by the fee for a five month extension of time.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration is signed by a legal representative. The declaration must list the inventor and his citizenship and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the inventor as "Werner Jakob Frank," but the international application lists the inventor as "Werner-Jakob Frank." If this discrepancy is the result of a typographical error, it may be corrected by a statement to that effect and a statement of the correct name. MPEP 201.03.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a proper response, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292
Facsimile: (571) 273-0459

16 MAR 2009

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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

In re Application of :
Frank :
Application No. 11/794,960 :
PCT No.: PCT/EP2005/000106 :
Int. Filing Date: 09 January 2006 : DECISION
Priority Date: 11 January 2005 :
Atty. Docket No.: 87433.3102 :
For: Method And Apparatus For Electro- :
statically Charging And Separating :
Particles That Are Difficult To Separate :

This is in response to the renewed submission under 37 CFR 1.42 filed on 08 December 2008.

DISCUSSION

In a Decision mailed on 07 October 2008, the declaration filed on 09 July 2008 was not accepted under 37 CFR 1.42, without prejudice, because

> The declaration lists the inventor as "Werner Jakob Frank," but the international application lists the inventor as "Werner-Jakob Frank." If this discrepancy is the result of a typographical error, it may be corrected by a statement to that effect and a statement of the correct name. MPEP 201.03.

In response, counsel asserts that "the inventor's name is 'Werner Jakob Frank.' Applicant further submits that the discrepancy is the result of a typographical or transliteration error in the international application." In view of this response, it now would be appropriate to accept the declaration filed on 09 July 2008, under 37 CFR 1.42, for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **09 July 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

Mail Date: 04/20/2010

Applicant	: Sidney M. Hecht	: DECISION ON REQUEST FOR
Patent Number	: 7605241	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/794,969	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **104** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

12 JAN 2009

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Ware Fressola Van Der Sluys & Adolphson, LLP
Bradford Green, Building 5
755 Main Street, P.O. Box 224
Monroe, CT 06468

In re Application of :
STONE, Kate Jessie :
Application No.: 11/794,972 : DECISION ON PETITION
PCT No.: PCT/GB06/50004 : UNDER 37 CFR 1.182
Int. Filing Date: 06 January 2006 :
Priority Date: 07 January 2005 :
Attorney Docket No.: 541-003.002 :
For: GAME CARD WITHOUT SEMICONDUCTOR CHIP

This decision is issued in response to applicant's "Petition under 37 CFR 1.182 for a Change of Name" dated 30 April 2008. Applicant is requesting to change the name of the sole inventor from Nicholas Jim Stone to Kate Jessie Stone.

BACKGROUND

On 09 July 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; and a preliminary amendment.

On 01 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration. The notification set a two-month time limit in which to respond.

On 30 April 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicant is requesting to change the name of the sole inventor from Nicholas Jim Stone to Kate Jessie Stone. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the sole inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicant's submission included the required $400 petition fee, satisfying the petition fee requirement. As for the affidavit requirement or copy of the court order, applicant has submitted an affidavit from the sole inventor and a Statutory Declaration regarding the name change. Hence, the affidavit and court order supplied satisfy the requirements for a grantable petition. Therefore, item (2) has been satisfied.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Nicholas Jim Stone to Kate Jessie Stone is **GRANTED**.

Based on the above, the declaration filed 30 April 2008 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

0 8 JAN 2009

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Marshall & Melhorn, LLC
Four Seagate
8th Floor
Toledo OH 43804

In re Application of
KUMMEROW, et al.
U.S. Application No.: 11/794,992
PCT No.: PCT/IB2006/050093
International Filing Date: 10 January 2006
Priority Date: 10 January 2005
Attorney's Docket No.: 1-17693
For: FUEL CELL SEPARATOR PLATE REINFORCEMENT VIA BONDING ASSEMBLY

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182" filed on 10 December 2008. The petition seeks to correct the name of record for the inventor Jack Kummerow (as listed on the international application) to Jack A.C. Kummerow II (as listed on the declaration filed 21 May 2008). The required $400 petition fee has been submitted.

BACKGROUND

On 10 January 2006, applicants filed international application PCT/IB2006/050093. The application claimed a priority date of 10 January 2005 and it designated the United States. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 10 July 2007.

On 09 July 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee and a copy of the international application.

On 12 May 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 21 May 2008, applicants filed a declaration executed by: Jack A.C. Kummerow and Joseph B. Darke.

On 12 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 21 May 2008 was not executed in accordance with 37 CFR 1.66 or 37 CFR 1.68 and does not properly identify the first inventor.

On 10 December 2008, applicants filed the present petition under 37 CFR 1.182.

DISCUSSION

In the published international application, the first inventor was identified as Jack Kummerow. On the declaration filed 21 May 2008, this inventor was identified as Jack A.C. Kummerow. With respect to corrections in an inventor's name, section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, discrepancy in the first inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, the present petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

Applicants' petition includes the required $400 petition fee. The petition explains the discrepancy in the inventor's name as follows: (1) the inventor's full name was omitted when the international application was prepared; (2) Jack A.C. Kummerow II (the name listed on the declaration) is the full name of the inventor identified as Jack Kummerow on the international application; (3) the inventor prefers that his full name be used in the present application; and (4) Jack Kummerow and Jack A.C. Kummerow II are in fact the same person.

Based on applicants' statements herein, it is accepted that the correct full name for the first inventor herein is Jack A.C. Kummerow II, as set forth on the declaration filed 21 May 2008.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the first inventor herein is GRANTED.

The correct full name of the first named inventor is accepted as Jack A.C. Kummerow II, as set forth on the declaration filed 21 May 2008.

Based on the correction of the inventor's name, the declaration filed on 21 May 2008 is acceptable under 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 May 2008.

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17 SEP 2007

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J. WILLIAM FRANK, III
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CHICAGO, IL 60606

In re Application of: NAKAJIMA :
U.S. Application No.: 11/794,994 :
PCT Application No.: PCT/JP2004/016862 :
Int. Filing Date: 12 November 2004 : DECISION
Priority Date: 12 November 2004 :
Atty Docket No.: 80012/40213 :
For: NOISE REDUCTION APPARATUS :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 10 July 2007.

BACKGROUND

On 12 November 2004, applicant filed international application PCT/JP2004/016862. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 May 2007.

International application PCT/JP2004/01686201 became abandoned as to the United States for failure to timely pay the basic national fee.

On 10 July 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) any terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

For the reasons given above, applicant's petition under 37 CFR 1.137(b) is **GRANTED.**

The application has an International Filing Date under 35 U.S.C. 363 of 12 November 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 July 2007.

This application is being forwarded to the United Staes Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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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AKZO NOBEL INC.
LEGAL & IP
120 WHITE PLAINS ROAD, SUITE 300
TARRYTOWN, NY 10591

Mail Date: 04/20/2010

Applicant	: Bengt-Arne Thorstensson	: DECISION ON REQUEST FOR
Patent Number	: 7608142	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/795,002	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **222** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WENDEROTH, LIND & PONACK, LLP
2033 K. Street, NW.
Washington, DC 20006

In re Application of	:	DECISION ON REQUEST TO
Tsutomu KAWASHIMA et al.	:	PARTICIPATE IN PATENT
Application No. 11/795021	:	PROSECUTION HIGHWAY
Filed: July 10, 2007	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 2007_1066A	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 14, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

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1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

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OFFICE OF PETITIONS

In re Application of :
Charzinski et al. :
Application No. 11/795,046 :
Filed: August 19, 2008 :
Attorney Docket No. 2005P00255 (NSN) :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 1, 2010 the power of attorney to Dickinson Wright, PLLC was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

31 MAR 2009
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Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

In re Application of MURPHY, et al. :
Application No.: 11/795,052 :
PCT No.: PCT/US06/00822 : DECISION ON REQUEST
Int. Filing Date: 10 January 2006 :
Priority Date: 10 January 2005 :
Attorney Docket No.: 13687/19 :
For: CANDLE AND CANDLE WAX CONTAINING METATHESIS AND METATHESIS-LIKE PRODUCTS

This decision is issued in response to applicants' "Response To Notification of Defective Response" filed 28 October 2008 notifying the Office that the name of the second inventor is Michael J. Tupy as indicated on the declaration rather than Michael A. Tupy as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181 to accept the declaration filed 14 April 2008. No petition fee is due.

Petitioner states that "that the middle initial of inventor Michael J. Tupy is incorrect as it appears on the published PCT application. Mr. Tupy's middle initial is 'J'." Applicants' statements are construed as a statement that the spelling error contained in the international application resulted from a typographical error; applicants must inform this Office immediately if this is not a proper interpretation of these statements. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Additionally, the present request clarifies the residence address for the fourth inventor. For this application, the deficiency (alteration to the fourth inventor's residence address) in the declaration has been corrected by the application data sheet (ADS) filed on 28 October 2008. Accordingly, petitioner's explanation is accepted and noted for the record and the declaration filed 14 April 2008 has been accepted.

For the reasons above, the request is **GRANTED**. This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony R

Anthony Smith
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CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE, FL 33301

20 AUG 2007

In re Application of :
Murison :
Application No.: 11/795,066 :
PCT No.: PCT/CA05/01916 :
Int. Filing Date: 19 December 2005 : DECISION
Earliest Priority Date: 17 December 2004 :
Attorney Docket No.: 1140-10PUS :
For: Electro-Mechanical Sexual Stimulation Device :

The petition to revive under 37 CFR 1.137(b) filed 11 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **11 July 2007**.

George Dombroske
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CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE FL 33301

10/8/09

In re Application of:
MURISON, BRUCE
Serial No. 11/795,066
Filed: Jul. 11, 2007
Docket: 1513-3U
Title: ELECTRO-MECHANICAL SEXUAL STIMULATION DEVICE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 5, 2009 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

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 CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO 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 CIPO examiner in the CIPO 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.

All other inquiries concerning the examination or status of the application should be directed to Justine Yu, SPE of Art Unit 3771, 571-272-4835 and also 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. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/795074	05/27/08	David John Pritchard	ABL-018.1P US

DATE MAILED: February17, 2010

Leon R Yankwich
Yankwich & Associates
201 Broadway
Cambridge MA 02141

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the request was filed after the 2 month time period. A grantable petition under 37 CFR 1.183 must be filed to waive the 2 month time period.

Any inquiries concerning this decision 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/28/2010

Applicant	: Hennie Hermanus Jozef Meulenkamp	: DECISION ON REQUEST FOR
Patent Number	: 7658277	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/795,080	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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08 AUG 2007

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56639
EMPK & SHILOH, LLP
116 John St., Suite 1201
New York, NY 10038

In re Application of
WEISS-MEILIK, Ahuva
U.S. Application No.: 11/795,125
PCT No.: PCT/IL2005/001355
Int. Filing Date: 18 December 2005
Priority Date: 16 December 2004
Attorney Docket No.: P-7470-US
For: SYSTEM AND METHOD FOR COMPLEX ARENA INTELLIGENCE

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 12 July 2007 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

An unexecuted declaration was also provided.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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29 AUG 2007

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

In re Application of	:	
ZANOTTI et al.	:	
Application No.: 11/795,169	:	DECISION ON
PCT No.: PCT/IT2004/000715	:	
Int. Filing Date: 21 December 2004	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: 058009-023000	:	37 CFR 1.137(b)
For: INTEGRATED AUTOMATIC SYSTEM FOR MANAGING THE ACCESS OF VEHICLES TO CONTROLLED PARKING	:	

This decision is in response to applicants' submission filed 12 July 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 December 2004, applicant filed international application PCT/IT2004/000715 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the USPTO from the International Bureau on 29 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 June 2007.

On 12 July 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 12 July 2007.

As to item (2), applicant submitted the petition fee on 12 July 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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Larry W. Thrower
P.O. Box 7611
Berkeley, CA 94706

COPY MAILED

JAN 15 2009

OFFICE OF PETITIONS

In re Application of

Michael Eric Gertner
Application No. 11/795,187
Filed: July 12, 2007
Attorney Docket No. 5000-0003.US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 30, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Larry W. Thrower, on behalf of all attorneys/agents associated with customer number 51688. All attorneys/agents associated with customer number 51688 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed to that of the inventor at the address noted on the request. The new address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Michael Gertner
P.O. Box P
Menlo Park, CA 94026

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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
11/795,187	07/12/2007	Michael Eric Gertner	5000-0003.US

CONFIRMATION NO. 9857

POWER OF ATTORNEY NOTICE

51688
LARRY W. THROWER
P.O. BOX 7611
BERKELEY, CA 94706

Date Mailed: 01/05/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/30/2008.

- 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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WENDEROTH, LIND & PONACK, LLP
2033 K. Street, NW.
Washington, DC 20006

In re Application of	:	DECISION ON REQUEST TO
Tsutomu KAWASHIMA et al.	:	PARTICIPATE IN PATENT
Application No. 11/795021	:	PROSECUTION HIGHWAY
Filed: July 10, 2007	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 2007_1066A	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 14, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

13 FEB 2009

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Nixon Peabody LLP
401 9th Street, N.W.
Suite 900
Washington, D.C. 20004-2128

In re Application of :
JOABSSON et al. :
Application No.: 11/795,242 : DECISION ON PETITION
PCT No.: PCT/GB05/04746 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 09 December 2005 :
Priority Date: 14 January 2005 :
Attorney Docket No.: 745003-2000 :
For: TOPICAL BIOADHESIVE :
FORMULATIONS

The petition to revive under 37 CFR 1.137(b) filed 29 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the required response (oath/declaration) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

1 4 OCT 2008

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Jennifer A. Haynes
GENENCOR INTERNATIONAL, INC.
925 PAGE MILL ROAD
PALO ALTO, CALIFORNIA 94304-1013

In re Application of	:	DECISION ON
BOWER et al	:	
Application No: 11/795,271	:	
PCT No.: PCT/US2006/005622	:	
Int. Filing Date: 17 February 2006	:	PETITION UNDER
Priority Date: 18 February 2005	:	
Attorney's Docket No.: GC866-US	:	
For: POLYPEPTIDES HAVING... ACTIVITY	:	37 CFR 1.47(a)

This is in response to the "PETITION PURSUANT TO 37 CFR 1.47(a) TO FILE ON BEHLAF OF INVENTOR WHO REFUSES TO EXECUTE A PATENT APPLICATION" filed on 05 August 2008. The petition fee of $200.00 has been charged to petitioner's Deposit Account No.: 07-1048.

BACKGROUND

On 17 February 2006, petitioner filed international application PCT/US2006/005622, which claimed priority to an earlier application filed 18 February 2005.

On 13 July 2007, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 05 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from the date mailing or by 32 months from the priority date for the application, whicheyer is later. Failure to properly respond will result in abandonment.

On 05 August 2008, petitioner filed the present petition, a declaration in support of filing on behalf of nonsigning inventor Nigel Dunn-Coleman accompanied, inter alia, an executed Declaration without his signature.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of

the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied requirements (1) - (4) of 37 CFR 1.47(a).

Regarding requirement (1), petitioner has been charged the petition fee of $200.00 under 37 CFR 1.17(g).

Regarding requirement (2), in this case, it has been sufficiently demonstrated as shown by the email of Jill A. Jacobson on 7/22/2008 that a copy of the application papers were mailed and received by non-signing inventor Nigel, and that Nigel responded on 7/20/2008 by email refusing to sign the form.

Regarding requirement 3, petitioner has provided a statement of the last known address of the missing inventor.

Nigel Dunn-Coleman
Calle Cardon 7
38360 El Sauzal Tenerife
Spain

Regarding requirement 4, petitioner has provided an executed declaration signed by Benjamin S. Bower, Suzanne E. Lantz, Cherry Lin and Michael Ward on their behalf and on the behalf of the nonsigning joint inventor Nigel Dunn-Coleman.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The United States Designated/Elected Office (DO/EO/US) is authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **05 August 2008.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

14 OCT 2008

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Nigel Dunn-Coleman
Calle Cardon 7
38360 El Sauzal Tenerife
Spain

In re Application of
BOWER et al
Application No: 11/795,271
PCT No.: PCT/US2006/005622
Int. Filing Date: 17 February 2006
Priority Date: 18 February 2005
Attorney's Docket No.: GC866-US
For: POLYPEPTIDES HAVING... ACTIVITY

Dear Nigel:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

Jennifer A. Haynes
GENENCOR INTERNATIONAL, INC.
925 PAGE MILL ROAD
PALO ALTO, CALIFORNIA 94304-1013

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30 JUL 2007

Victor G. Cooper
Gates & Cooper LLP
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045

In re Application of :
COCCHI et al. :
Application No.: 11/795,272 : DECISION ON PETITION
PCT No.: PCT/US05/37197 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 18 October 2005 :
Priority Date: 18 October 2004 :
Attorney Docket No.: 203.3USWO :
For: METHOD AND APPARATUS FOR SUPPORTING MULTIPLE BROADCASTERS INDEPENDENTLY USING A SINGLE CONDITIONAL ACCESS SYSTEM

The petition to revive under 37 CFR 1.137(b) filed 13 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

MAILED

MAR 27 2009

OFFICE OF PETITIONS

Applicant: Hirai et al.
Appl. No.: 11/795,307
International Filing Date: January 13, 2006
Title: GAS-ABSORBING SUBSTANCE, GAS-ABSORBING ALLOY AND GAS-ABSORBING MATERIAL
Attorney Docket: 2007_1154A
Pub. No.: US 2008/0160291 A1
Pub. Date: July 3, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 6, 2008, for the above-identified application. The publication contained the material error of an incorrect international filing number.

The request is GRANTED.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

On April 2, 2008, a Filing Receipt was mailed by the Office, which improperly listed the PCT application number. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt prior to publication of the application.

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

2 7 APR 2009

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THOMPSON HINE L.L.P.
Intellectual Property Group
P.O. BOX 8801
DAYTON OH 45401-8801

In re Application of:
GARDNER, Anne, M., et al.
U.S. Application No.: 11/795,394
PCT No.: PCT/US2006/001543
International Filing Date: 17 January 2006
Priority Date: 19 January 2005
Atty Docket No.: 070248.66
For: VECTOR TO INDUCE EXPRESSION OF RECOMBINANT PROTEINS UNDER ANOXIC OR MACROAEROBIC CONDITIONS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 03 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 20 May 2008 based on applicant's failure to file a response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 20 March 2008. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 17 February 2009.

The present petition for revival was accompanied by payment of the required petition fee. The petition was also accompanied by the "required reply" in the form of a proper response to the Notification Of Missing Requirements mailed 20 March 2008, that is, an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date. In addition, the petition includes a statement that "the entire delay in filing the required Reply from the due date for the Reply until the filing of this Petition was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the petition to revive the present application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 March 2009.

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11 APR 2008

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In re Application of BELAFSKY :
U.S. Application No.: 11/795,398 :
PCT Application No.: PCT/US2006/001877 : DECISION
Int. Filing Date: 18 January 2006 :
Priority Date Claimed: 18 January 2005 :
Attorney Docket No.: 02307O-157110US :
For: ENDOSCOPIC TUBE DELIVERY SYSTEM :

This is in response to applicant's "Petition to Accord Filing Date" filed 04 April 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 18 January 2006, applicant filed international application PCT/US2006/001877, which claimed priority of an earlier United States application filed 18 January 2005. The thirty-month period for paying the basic national fee in the United States expired on 18 July 2007.

On 17 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 February 2008, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 18 July 2007 as the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements.

On 04 April 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the filing date listed on the official Filing Receipt should be changed to 17 July 2007. As an initial matter, it is noted that for a national stage application filed under 35 U.S.C. 371, the "Filing or 371(c) Date" on the official Filing Receipt indicates the

date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements. MPEP 1893.03(b). In the present case, the basic national fee and copy of the international application were provided to the DO/EO/US on 17 July 2007. However, a proper declaration has not been submitted. Although a purported declaration was included with the Request (Form PCT/RO/101) on the international filing date, such declaration was not executed. The declaration signature page submitted subsequent to the international filing date is not a complete declaration.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 21 February 2008 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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08 AUG 2007

36122
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2060 Broadway, Suite 300
Boulder, CO 80302

In re Application of
CASWELL *et al*
U.S. Application No.: 11/795,425
PCT No.: PCT/GB2005/004239
Int. Filing Date: 03 November 2005
Priority Date: 03 November 2004
Attorney Docket No.: 80000/801US
For: LIQUID DISPENSING SYSTEM

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 13 July 2007 is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 November 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 July 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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30 JUL 2007

WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR, MI 48105

In re Application of DYAR et al	:	
U.S. Application No.: 11/795,438	:	
PCT Application No.: PCT/IB2005/003661	:	
Int. Filing Date: 23 November 2005	:	DECISION
Priority Date Claimed: 02 December 2004	:	
Attorney Docket No.: PC26012A	:	
For: PHARMACEUTICAL COMPOSITIONS OF AMORPHOUS ATORVASTATIN . . .	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 16 July 2007.

BACKGROUND

On 23 November 2005, applicant filed international application PCT/IB2005/003661, which claimed priority of an earlier United States application filed 02 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 08 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 02 June 2007.

International application PCT/IB2005/003661 became abandoned as to the United States for failure to timely pay the basic national fee.

On 16 July 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

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0 5 JUN 2008

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Corning Cable Systems, LLC.
c/o Corning Incorporated
SP-TI-3-1
Corning, NY 14831

In re Application of	:	DECISION ON
Wich et al	:	
Application No: 11/795,461	:	
PCT No.: PCT/EP2006/000288	:	
Int. Filing Date: 13 January 2006	:	PETITION UNDER
Priority Date: 17 January 2005	:	
Attorney's Docket No.: P2005.001	:	
For: OPTICAL CABLE, ARRANGEMENT FOR...	:	
OPTICAL CABLE	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 05 May 2008. The petition fee of $200.00 has been charged to petitioner's Deposit Account No.: 03-3325 as specified in the petition.

BACKGROUND

On 13 January 2006, applicants filed international application PCT/EP2006/000288, which claimed priority to an earlier application filed 17 January 2005.

On 17 July 2007, applicants filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed declaration or oath was submitted at such time.

On 05 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905), which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date." The notice indicated that all of the items set forth must be submitted within two (2) months from the date of this Notice or by 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 05 May 2008, petitioner filed the present petition, an executed declaration and a statement in support of filing on behalf of omitted joint inventor Swen Tischer.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1), (3) and (4) of 37 CFR 1.47(a) but not item (2) and (3).

Regarding item (1), petitioner has now provided the complete petition fee of $200.00 under 37 CFR 1.17(g).

Regarding requirement (2), the averments of Michael Carroll are not sufficient to support a finding that the nonsigning inventor, Dr. Swen Tischer refuses to sign because it is unclear if a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, and that the inventor refused to sign the required papers. This is because the emails provided do not specifically state that the application papers were emailed or mailed to Mr. Tischer.

In addition, no documentary evidence from Mr. Tischner has been provided to support the assertion that he refuses based on that email statement from Anke Thorma (dated 3/31/08). Also, some emails have been provided but have not been translated into English so it is unclear as to what they say.

Moreover, it is not clear from the petition that it was Mr. Carroll who performed the actions listed in the petition and has first hand knowledge of those facts as required by MPEP Section 409.03(d). If Mr. Carroll was not the person who performed the actions listed, petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons who have first-hand knowledge of such facts.

Accordingly, the steps enumerated by Mr. Carroll are not sufficient to establish that Mr. Tischner has refused to sign the declaration.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Regarding item (4), petitioner has provided an executed declaration signed by Karl Heinz Wich on his behalf and on the behalf of the nonsigning joint inventor Swen Tischer.

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Corning, NY 14831

In re Application of	:	DECISION ON
Wich et al	:	
PCT No.: PCT/EP2006/000288	:	
Application No: 11/795,461	:	PETITION UNDER
Int. Filing Date: 13 January 2006	:	
Priority Date: 17 January 2005	:	
Attorney's Docket No.: P2005.001	:	
For: OPTICAL CABLE, ARRANGEMENT FOR...	:	37 CFR 1.47(a)
OPTICAL CABLE	:	

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" submitted on 06 August 2008 in response to a decision by this Office dated 05 June 2008.

BACKGROUND

The decision by this Office dated 29 January 2008 indicated that requirement (2) had not been satisfied.

On 06 August 2008, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by inventor Swen Tischer.

DISCUSSION

The renewed petition has an executed declaration signed by Swen TISCHER. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 06 August 2008 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **06 August 2008.**

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United States Patent and Trademark Office

23 JUN 2008

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MACMILLAN, SOBANSKI & TODD, LLC
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720 WATER STREET
TOLEDO OH 43604

In re Application of	:	
Romero et al.	:	
Application No.: 11/795,466	:	DECISION
PCT No.: PCT/EP2006/000189	:	
Int. Filing Date: 11 January 2006	:	ON
Priority Date: 19 January 2005	:	
Attorney Docket No.: 1-29217	:	PETITION
For: Vacuum Brake Booster With An Improved Connecting Element For Connection To A Vacuum Source	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 30 May 2008.

BACKGROUND

This international application was filed on 11 January 2006, claimed an earlier priority date of 19 January 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 27 July 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 July 2007. Applicants filed *inter alia* the basic national fee on 17 July 2007.

On 24 March 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of a proper English translation, an oath or declaration compliant with 37 CFR 1.497(a) and (b), the processing fee under 37 CFR 1.492(i) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, $130.00 has been paid toward the $200.00 petition fee. The balance of $70.00 is being charged to counsel's Deposit Account no. 13-0005, per the authorization included in the Transmittal Letter filed on 17 July 2007.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Ernesto BRAVO VILLAMAYOR allegedly has refused to execute the application. Counsel is respectfully referred to MPEP 409.03(d) for a general discussion of the showing required to satisfy this element.

Petitioner has provided a "Declaration" by Thomas Wagner, but it appears that the actions Mr. Wagner describes were actually taken by Ms. Jennifer Hill, and no statement by Ms.

Hill has been provided (it is noted that she signed as a witness, but this does not necessarily imply that she is subscribing to the content of the Declaration, merely that she observed Mr. Wagner to sign it). As explained at MPEP 409.03(d), statements in support of a petition under 37 CFR 1.47(a) should be made by individual(s) having first-hand knowledge of the events recounted.

Petitioner provides copies of correspondence tending to show that a declaration and "application documents" (a complete copy of the application papers?) were transmitted to Mr. Bravo Villamayor, and tending to show that he declined to execute an application, but these pieces of correspondence do not specifically refer to the application in question by application number. Instead, they refer to TRW case number 012721-04, but it has not been clearly established on the record whether said TRW case number corresponds to the instant international application. As such, it is not clear whether Mr. Bravo Villamayor was presented with a copy of this particular application, and whether he declined to execute a declaration directed to it. Accordingly, it would not be appropriate to consider requirement (2) to have been satisfied at this time.

Regarding **requirement (3)**, the petition provides the last known addresses of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 30 May 2008 reveals that it is suitable for purposes of compliance with 37 CFR 1.497(a) and (b), and 1.47(a). As such, requirement (4) has been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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In re Application of :
Romero et al. :
Application No.: 11/795,466 : DECISION
PCT No.: PCT/EP2006/000189 :
Int. Filing Date: 11 January 2006 : ON
Priority Date: 19 January 2005 :
Attorney Docket No.: P 1-29217 : PETITION
For: Vacuum Brake Booster With An Improved Connecting:
Element For Connection To A Vacuum Source :

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 22 September 2008.

DISCUSSION

In a Decision mailed on 23 June 2008, the petition under 37 CFR 1.47(a) filed on 30 May 2008 was dismissed, without prejudice, because petitioner had not adequately demonstrated that the non-signing inventor had refused to execute the application, or could not be found or reached after diligent effort.

In response, petitioner has provided a "Declaration" signed by Jennifer Hill which, in combination with the other evidence of record (including the documentation filed on 30 May 2008) establishes that, within the meaning of 37 CFR 1.47(a), Ernesto Bravo Villamayor has refused to execute the application within the meaning of 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 May 2008**.

/George Dombroske/
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United States Patent and Trademark Office

24 NOV 2008

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Ernesto Bravo Villamayor
Ventura Rodriquez 103 izda 3
31012 Pamplona
SPAIN

In re Application of
Romero et al.
Application No.: 11/795,466
PCT No.: PCT/EP2006/000189
Int. Filing Date: 11 January 2006
Priority Date: 19 January 2005
Attorney Docket No.: P 1-29217
For: Vacuum Brake Booster With An Improved Connecting Element For Connection To A Vacuum Source

Dear Mr. Bravo Villamayor:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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23 MAR 2009

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1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
SMETANA et al.	:	
Application No.: 11/795,469	:	DECISION
PCT No.: PCT/EP2005/013360	:	
Int. Filing Date: 13 December 2005	:	
Priority Date: 18 January 2005	:	
Attorney's Docket No.: 188,638	:	
For: SPRAG	:	

This decision is in response to applicants' "WITHDRAWAL OF ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 12 January 2009, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 13 December 2005, applicants filed international application PCT/EP2005/013360, which designated the United States and claimed a priority date of 18 January 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 July 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 July 2007.

On 17 July 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 28 December 2007, the DO/EO/US mailed a NOTIFICATION OF INSUFFICIENT FEES (Form PCT/DO/EO/923) indicating, *inter alia*, that an additional fee of $130 was required.

On 12 January 2009, applicants filed the instant petition.

On 03 February 2009, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond the NOTIFICATION mailed 28 December 2007.

DISCUSSION

The NOTIFICATION OF INSUFFICIENT FEES mailed 28 December 2007 was mailed in error. No additional fee was due. Thus, the NOTIFICATION OF INSUFFICIENT FEES mailed 28 December 2007 is hereby VACATED. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 03 February 2009 is also hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition to withdraw the holding of abandonment is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF INSUFFICIENT FEES mailed 28 December 2007 is VACATED.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 03 February 2009 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRIDGESTONE AMERICAS, INC.
1200 FIRESTONE PARKWAY
AKRON, OH 44317

Mail Date: 04/20/2010

Applicant	: James H. Pawlow	: DECISION ON REQUEST FOR
Patent Number	: 7608664	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/795,487	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **103** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Herve Guillaume	: DECISION ON REQUEST FOR
Patent Number	: 7575368	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/795,541	: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/795,558	07/18/2007	Yuichiro Hama	04739.0087-00000	4460

7590 05/04/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
NORTON, NADINE GEORGIANNA	
ART UNIT	PAPER NUMBER
1792	
MAIL DATE	DELIVERY MODE
05/04/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/795,561	07/18/2007	Kenichi Honjo	069804-0239	4459

53080 7590 04/28/2009
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
2862	

MAIL DATE	DELIVERY MODE
04/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of
Kenichi HONJO, et al.
Application No.: 11/795,561
Filed: 07/18/2007
Attorney Docket No.: 069804-0239

For: IMAGING DEVICE

: 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 24 February 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of 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 fails to fulfill requirement (3) above. Specifically, the proposed amendment to the claims does not comply with 37 CFR 1.121 in that claim 1 has the status identifier "(Original)." Because claim 1 is currently being amended, the status should be indicated as "Currently Amended." See 37 CFR 1.121 (c) (2).

A successful response to this dismissal must include an amendment to the claims fulfilling the requirement (3) above and complying with 37 CFR 1.121.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/795,561	07/18/2007	Kenichi Honjo	069804-0239	4459

53080 7590 06/02/2009

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
2862	

MAIL DATE	DELIVERY MODE
06/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of
Kenichi HONJO, et al.
Application No.: 11/795,561
Filed: 07/18/2007
Attorney Docket No.: 069804-0239

For: IMAGING DEVICE

: 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 24 February 2009, and the request for reconsideration to participate in the PPH program, filed 8 May 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of 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).

* * * * * * * *

A proper response to the dismissal in this case was received on 8 May 2009, and included an amendment to the claims fulfilling the requirement (3) above and complying with 37 CFR 1.121.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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07 MAR 2008

Birch Stewart Kolasch & Birch
PO Box 747
Falls Church, VA 22040-0747

In re Application of
BERGSTRÖM et al.
Application No.: 11/795,572
PCT No.: PCT/SE06/00231
Int. Filing Date: 22 February 2006
Priority Date: 23 February 2005
Attorney Docket No.: 3782-0304PUS2
For: METHOD IN ELECTRONIC PEN, COMPUTER PROGRAM PRODUCT, AND ELECTRONIC PEN

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Petition under 37 CFR 1.182 to Change Inventor's Name" dated 28 February 2008. Applicants are requesting to change the name of the first inventor from Daniel GLAD to Daniel BERGSTRÖM. The $400 petition fee has been charged to counsel's Deposit Account No. 02-2448.

BACKGROUND

On 19 July 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; a preliminary amendment; and a copy of a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) filed during the international phase.

On 05 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 19 July 2007.

On 28 February 2008, applicants filed "Petition under 37 CFR 1.182 to Change Inventor's Name."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the

name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants request to change the name of the first inventor from Daniel GLAD to Daniel BERGSTRÖM. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 02-2448 for required fees. Based on this authorization, Deposit Account No. 02-2448 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted an affidavit regarding the name change. This affidavit states that the inventor's surname was changed, and that his name was legally changed to Daniel BERGSTRÖM as a result of marriage.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Daniel GLAD to Daniel BERGSTRÖM is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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19 FEB 2009

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46726
BSH HOME APPLIANCES CORPORATION
Intellectual Property Dept.
100 Borsch Blvd.
New Bern, NC 28562

In re Application of :
HEGER *et al* :
U.S. Application No.: 11/795,585 :
PCT No.: PCT/EP2005/056348 : **DECISION ON**
Int. Filing Date: 30 November 2005 : **PETITION**
Priority Date: 24 January 2005 : **UNDER 37 CFR 1.497(d)**
Attorney Docket No.: 2005P00109WOUS :
For: ICE PREPARATION DEVICE, :
CORRESPONDING TRAY AND :
METHOD FOR PREPARING ICE :

This is a decision on the papers filed 27 May 2008 requesting to add an inventor in the above-captioned national stage application.

BACKGROUND

On 28 February 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 27 May 2008, applicants filed an executed declaration which was accompanied by, *inter alia*, a one-month extension of time; a $130.00 surcharge fee; a $130.00 petition fee; and a statement under 37 CFR 1.48(a)(2) executed by all four named inventors.

DISCUSSION

Applicants filed a declaration executed by four joint inventors and request that Nathan Wrench be added as an inventor in the above-captioned national stage application of PCT/EP2005/056348.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants have provided a signed statement from all inventors including Nathan Wrench, stating that the error arose without any deceptive intention. This is sufficient to satisfy item (1) above. The $130.00 processing fee has been paid. A

s such, items (1) and (2) of 37 CFR 1.497(d) are satisfied.

However, applicants have not provided the written consent of the assignee or addressed whether there is an assignee in the above-captioned national stage application. Applicants must address this item for a grantable petition.

For this reason, item (3) of 37 CFR 1.497(d) is not satisfied.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

The explanation that the spelling of co-inventor Tom StQuintin was misspelled in the international application and that the spelling of the name submitted in the current declaration is correct has been accepted.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

30 APR 2009

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46726
BSH HOME APPLIANCES CORPORATION
Intellectual Property Dept.
100 Borsch Blvd.
New Bern, NC 28562

In re Application of :
HEGER *et al* :
U.S. Application No.: 11/795,585 :
PCT No.: PCT/EP2005/056348 :
Int. Filing Date: 30 November 2005 : **DECISION ON**
Priority Date: 24 January 2005 : **RENEWED PETITION**
Attorney Docket No.: 2005P00109WOUS : **UNDER 37 CFR 1.497(d)**
For: ICE PREPARATION DEVICE, :
CORRESPONDING TRAY AND :
METHOD FOR PREPARING ICE :

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 02 March 2009 requesting to add an inventor in the above-captioned national stage application.

BACKGROUND

On 19 February 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 02 March 2009, applicants filed a renewed petition along with, *inter alia*, a copy of an assignment and a consent of the assignee.

DISCUSSION

As previously indicated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants completed items (1) and (2) of 37 CFR 1.497(d) in the initial petition.

In the renewed petition, applicants state that the assignee consents to the change in inventorship. The consent was signed by Mr. Warnock who claims that he is authorized to sign the consent statement on behalf of the assignee. The reel and frame number of the assignment was provided along with a copy of the assignment. This statement is sufficient to meet the requirements of § 324 MPEP.

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to add Nathan Wrench as an inventor pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 27 May 2008 is in compliance with 37 CFR 1.497(a) & (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 30 November 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 27 May 2008.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 FEB 2009

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INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

In re Application of HEGER et al	:	
U.S. Application No.: 11/795,587	:	
PCT Application No.: PCT/EP2005/056441	:	DECISION
Int. Filing Date: 02 December 2005	:	
Priority Date Claimed: 24 January 2005	:	
Attorney Docket No.: 2005P00113WOUS	:	
For: ICE PREPARATION DEVICE	:	

This is in response to applicant's "Petition for Correction of Inventorship Under 35 CFR §1.48" filed 08 May 2008, which is being treated under 37 CFR 1.497(d).

BACKGROUND

On 02 December 2005, applicant filed international application PCT/EP2005/056441, which claimed priority of an earlier Germany application filed 24 January 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 27 July 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 July 2007.

On 18 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 08 May 2008, applicant filed the present petition under 37 CFR 1.497(d) along with an executed declaration.

DISCUSSION

The petition states that Nathan Wrench should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, MPEP 201.03, Section II. D., states in relevant part, "Where no assignee exists requester should affirmatively state that fact. If the file record including the request is silent as to the existence of an assignee it will be presumed that no assignee exists. Such presumption should be set forth in the decision to alert requesters to the requirement." In the present case, although the petition fails to affirmatively state that the application has not been assigned by any of the original named inventors, a review of the published international application reveals that there is a corporate applicant. Thus, it will not be presumed that no assignee exists. Applicant is required to either: (1) affirmatively state that the application has not been assigned by any of the original named inventors or (2) provide written consent of the assignee, including a proper statement under 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

Applicant is advised that the declaration filed 08 May 2008 cannot be accepted at the present time. Specifically, the declaration does not use an official form provided by the Office, i.e. Form PTO/SB/103. Under 37 CFR 1.69(b), applicant must provide either: (1) a declaration using Form PTO/SB/103 or (2) a statement that the translation contained in the 08 May 2008 is accurate.

The correct spelling of inventor Tom StQuintin's name is acknowledged.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 1 MAY 2009

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In re Application of HEGER et al	:	
U.S. Application No.: 11/795,587	:	
PCT Application No.: PCT/EP2005/056441	:	DECISION
Int. Filing Date: 02 December 2005	:	
Priority Date Claimed: 24 January 2005	:	
Attorney Docket No.: 2005P00113WOUS	:	
For: ICE PREPARATION DEVICE	:	

This is in response to applicant's "Renewed Petition for Correction of Inventorship Under 35 CFR §1.497(d)" filed 30 March 2009.

BACKGROUND

On 02 December 2005, applicant filed international application PCT/EP2005/056441, which claimed priority of an earlier Germany application filed 24 January 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 27 July 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 July 2007.

On 18 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 08 May 2008, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 04 February 2009, this Office mailed a decision dismissing the 08 May 2008 petition.

On 20 March 2009, applicant filed the present renewed petition under 37 CFR 1.497(d) along with a newly executed declaration.

DISCUSSION

The petition states that Nathan Wrench should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, appropriate written consent of the assignee has been provided. A copy of the assignment agreement has been furnished.

The declaration filed 20 March 2009 is in compliance with 37 CFR 1.69(b).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 02 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 March 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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2 5 JUN 2008

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In re Application of HEGER et al	:	
U.S. Application No.: 11/795,588	:	
PCT Application No.: PCT/EP2005/056338	:	DECISION
Int. Filing Date: 30 November 2005	:	
Priority Date Claimed: 24 January 2005	:	
Attorney Docket No.: 2005P00118WOUS	:	
For: ICE PREPARATION DEVICE	:	

This is in response to applicant's "Petition for Correction of Inventorship Under 37 CFR §1.48" filed 18 April 2008, which is being treated under 37 CFR 1.497(d).

BACKGROUND

On 30 November 2005, applicant filed international application PCT/EP2005/056338, which claimed priority of an earlier Germany application filed 24 January 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 27 July 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 July 2007.

On 18 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 February 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 18 April 2008, applicant filed the present petition under 37 CFR 1.497(d)

DISCUSSION

The petition states that Tom StQuintin and Craig Duncan should be added as inventors.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statements have been provided.

With regard to item (2) above, the requisite processing fee will be charged to Deposit Account No. 50-2786.

With regard to item (3) above, the petition fails to state whether the application has been assigned by any of the original named inventors. In the event of such an assignment, written consent of the assignee must be provided. Any assignment of the application must be demonstrated by supplying a copy of the assignment agreement or specifying by reel and frame number where such assignment information is recorded.

With regard to item (4) above, a new declaration is not required.

Applicant is advised that the declaration filed with the petition is not in compliance with 37 CFR 1.69(b). More specifically, the declaration is not either: (1) in an official form provided by the USPTO, i.e. Form PTO/SB/103 or (2) accompanied by a statement that the translation contained in the declaration is accurate.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 0 AUG 2008

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In re Application of HEGER et al	:	
U.S. Application No.: 11/795,588	:	
PCT Application No.: PCT/EP2005/056338	:	DECISION
Int. Filing Date: 30 November 2005	:	
Priority Date Claimed: 24 January 2005	:	
Attorney Docket No.: 2005P00118WOUS	:	
For: ICE PREPARATION DEVICE	:	

This is in response to applicant's "Renewed Petition for Correction of Inventorship Under 37 CFR §1.497(d)" filed 22 July 2008.

BACKGROUND

On 30 November 2005, applicant filed international application PCT/EP2005/056338, which claimed priority of an earlier Germany application filed 24 January 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 27 July 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 July 2007.

On 18 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 February 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 18 April 2008, applicant filed a petition under 37 CFR 1.497(d).

On 25 June 2008, this Office mailed a decision dismissing the 18 April 2008 petition.

On 22 July 2008, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Tom StQuintin and Craig Duncan should be added as inventors.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Applicant has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, the renewed petition includes appropriate written consent of the assignee to the change of inventorship. The assignee has established the right to take action under 37 CFR 3.73(b) by specifying by reel and frame number where the assignment has been recorded.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 18 April 2008 is presently not acceptable.[1]

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PCT Legal Office

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[1] As stated in the decision mailed 25 June 2008, the declaration filed 18 April 2008 is not either: (1) in an official form provided by the USPTO, i.e. Form PTO/SB/103 or (2) accompanied by a statement that the translation contained in the declaration is accurate.

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12 JAN 2009

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Russell W. Warnock
BSH Home Appliances Corporation
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In re Application of:	:	
HEGER ET AL	:	
US Application No.: 11/795,589	:	DECISION ON
PCT Application No.: PCT/EP2005/056296	:	
Int. Filing Date: 29 November 2005	:	
Priority Date: 24 January 2005	:	REQUEST UNDER
Atty Docket No.: 2005P00124WOUS	:	
For: ICE-MAKING MACHINE	:	
	:	37 CFR 1.497(d)
	:	

This is a decision on petitioner's "PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. & 1.48" filed on 22 July 2008, which is being treated as a request under 37 CFR 1.497(d) to add joint inventor Thomas St. Quintin into the application.

BACKGROUND

On 29 November 2005, applicants filed international application No. PCT/EP2005/056296 and claiming priority date of 24 January 2005.

On 18 July 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed declaration was submitted at such time.

On 17 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicants that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date" has not been provided and required applicants to furnish the missing item.

On 22 July 2008, applicants filed a declaration and the present petition to add an inventor to the application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter)

With respect to item (1), the appropriate statement has been provided.

With respect to item (2), the processing fee of $130 has been charged to the deposit account No. 502786.

With respect to item (3), a written consent from the assignee, BSH BOSCH UND SIEMENS HAUSGERAETE GMBH, has been provided.

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.497(d) is **GRANTED**.

The application has an International Filing Date under 35 U.S.C. 363 of 29 November 2005, and a date under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) of 22 July 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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PCT Special Programs Examiner
Office of PCT Legal Administration
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Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

2 6 SEP 2008

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ARLINGTON VA 22203

In re Application of :
Ging et al. :
Application No.: 11/795,606 :
PCT No.: PCT/AU2006/000350 :
Int. Filing Date: 16 March 2006 : DECISION
Priority Date: 16 March 2005 :
Attorney Docket No.: PTB-4398-716 :
For: Respiratory Mask Assembly With Magnetic :
Coupling To Headgear Assembly :

This is with regard to the correspondence filed on 19 March 2008.

BACKGROUND

This international application was filed on 16 March 2006, designated the United States, and claimed an earliest priority date of 16 March 2005. The International Bureau transmitted a copy of the published international application to the USPTO on 21 September 2006. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 16 September 2007. Applicants timely filed *inter alia* the basic national fee on 19 July 2007.

On 08 February 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

In response to the Notification of Missing Requirements mailed on 08 February 2008, "Applicants would like to bring to the USPTO's attention that the Declaration of Inventorship was submitted to the USPTO by the International Bureau..." Review of the record reveals that a declaration under PCT Rule 4.17(iv) was filed during the international phase. The version of the declaration currently available at www.wipo.int is unsigned. The signed version of the declaration present in the IFW application file appears to have been assembled from separately signed sheets. *See* MPEP 201.03. In addition, it appears to have been filed later than the international filing date (suggested by the later dates of the signatures), but it does not specifically reference the international application number to which it is directed. Therefore, it would not be appropriate to accept the declaration. Accordingly, the Notification of Missing Requirements mailed on 08 February 2008 was proper.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within either any remaining period for response to the Notification of Missing Requirements mailed on 08 February 2008 (as extended under 37 CFR 1.136(a)) or **ONE (1) MONTH** from the mail date of this decision, NOT extendable under 37 CFR 1.136(a), whichever expires later. This period for response is analogous to that which would be set by a Notification of Missing Requirements (Form PCT/DO/EO/916). Failure to timely reply will result in **ABANDONMENT**

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
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31 DEC 2008

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In re Application of
Ging et al.
Application No.: 11/795,606
PCT No.: PCT/AU2006/000350
Int. Filing Date: 16 March 2006
Priority Date: 16 March 2005
Attorney Docket No.: PTB-4398-716
For: Respiratory Mask Assembly With Magnetic Coupling To Headgear Assembly

DECISION

This is with regard to the "Request For Reconsideration Of Decision" filed on 24 October 2008.

DISCUSSION

In a Decision mailed on 26 September 2008, the declaration then of record was not accepted, without prejudice, because

> Review of the record reveals that a declaration under PCT Rule 4.17(iv) was filed during the international phase. The version of the declaration currently available at www.wipo.int is unsigned. The signed version of the declaration present in the IFW application file appears to have been assembled from separately signed sheets. *See* MPEP 201.03. In addition, it appears to have been filed later than the international filing date (suggested by the later dates of the signatures), but it does not specifically reference the international application number to which it is directed. Therefore, it would not be appropriate to accept the declaration. Accordingly, the Notification of Missing Requirements mailed on 08 February 2008 was proper.

In response, petitioner argues that the Rule 4.17(iv) declaration was signed, and that, as part of the Request form, the declaration adequately identified the application to which it was directed. However, as noted in the Decision mailed on 26 September 2008, the declaration available on the WIPO web site was unsigned, suggesting that the declaration originally filed as part of the Request was not executed. As also noted, the electronic application file includes a second Rule 4.17(iv) declaration, signed after the international filing date (and after the original filing of a Request form), submitted to the USPTO on 19 July 2008. This declaration consists of 5 sheets; it was not submitted as an entire Request form. The evidence of record does not adequately demonstrate that this declaration was signed as a complete document, identifying the application and the entire inventive entity. Rather, it appears that the inventors signed separate sheets which were later assembled to form the submitted document. MPEP 201.03 explains in part that

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they

must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

In view of this policy, it would not be appropriate to accept the declaration filed on 19 July 2008. However, applicants filed a declaration on 24 October 2008 which is suitable for purposes of compliance with 37 CFR 1.497(a) and (b). The $130.00 surcharge under 37 CFR 1.492(h)(fee code 1617) is being charged to Deposit Account 14-1140, per the authorization included in the correspondence filed on 24 October 2008.

DECISION

The declaration filed on 24 October 2008 is **ACCEPTED** for purposes of 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **24 October 2008.**

/George Dombroske/
George Dombroske
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SUITE 1200
WASHINGTON, DC 20006

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OFFICE OF PETITIONS

In re Application of :
Ramalho Ribeiro Dos Santos et al. :
Application No. 11/795,618 :
Filed: March 24, 2008 :
Attorney Docket No. 2004P15984 **(NSN)** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 4, 2010 the power of attorney to Dickinson Wright, PLLC was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

11 JAN 2010

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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WASHINGTON DC 20001-4413

In re Application of :
PLOS, Gregory et al. :
U.S. Application No.: 11/795,640 :
PCT No.: PCT/EP2006/002586 :
Int'l Filing Date: 11 February 2006 :
Priority Date: 28 February 2005 :
Attorney's Docket No.: 05725.1665 : DECISION
For: DYEING OF HUMAN KERATIN MATERIALS BY DRY THERMAL TRANSFER OF A DIRECT DYE, COMPOSITION COMPRISING THE SAID DYE AND ITS METHOD OF PREPARATION :

This decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 15 May 2008.

BACKGROUND

On 19 July 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 01 February 2008, applicant filed declaration of the inventors.

On 20 March 2008, a Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt were mailed giving the application a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date and the date for all 35 USC 371 requirements were 19 July 2007.

On 15 May 2008, applicant filed this petition to correct the Notification of Acceptance.

On 23 May 2009, the Office mailed Notification of Acceptance and filing receipt indicating that the 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date and the date for all 35 USC 371 requirements were 20 March 2008.

DISCUSSION

Both the 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date and the date for all 35 USC 371 requirements should be 01 February 2008, as that was the date of receipt of the last 371 requirement, in the declaration of the inventors.

CONCLUSION

For the reasons discussed above, the Petition Under 37 CFR 1.181 for a corrected Notification of Acceptance and Filing Receipt is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 23 May 2009 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action in accordance with this decision, including the mailing of a corrected Notification of Acceptance (Form PCT/DO/EO/903).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: September 18, 2008

Daniel B. Schein
PO Box 68128
Virginia Beach VA 23471

Applicant: Milka
Appl. No.: 11/795,666
Filing Date: July 19, 2007
Title: PYRAMIDAL FLEXIBLE ELEMENT
Attorney Docket No.: 12315-2
Pub. No.: US 2008/0168669 A1
Pub. Date: July 17, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 16, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 09/19/2008 KKING1
09/16/2008 INTEFSW 00007900 11795666
01 FC:1504 -300.00 DP

Refund Ref:
09/19/2008 0030061315

Credit Card Refund Total: $300.00

VISA....: XXXXXXXXXXXX3918

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Bruce L. Adams
Adams & Wilks
17 Battery Place
Suite 1231
New York, NY 10004

Mail Date: 05/04/2010

Applicant	: Tatsuya Miyatani	: DECISION ON REQUEST FOR
Patent Number	: 7616302	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/795,673	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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01 AUG 2007

MCDERMOTT, WILL & EMERY
4370 LA JOLLA VILLAGE DRIVE, SUITE 700
SAN DIEGO CA 92122

In re Application of BREDESEN et al.
Application No.: 11/795,703
PCT No.: PCT/US05/10951
Int. Filing: 31 March 2005
Priority Date: 31 March 2004
Attorney Docket No.: 066817-0031
For: HUNTER-KILLER PEPTIDES AND METHODS OF USE

DECISION ON

PETITION TO REVIVE

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:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

05 FEB 2009

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Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, VA 20195

In re Application of :
SORENSEN, Christopher Donald :
Application No.: 11/795,720 : DECISION ON PETITION
PCT No.: PCT/DK06/00111 :
Int. Filing Date: 24 February 2006 :
Priority Date: 25 February 2005 :
Attorney Docket No.: 36731-000111/US :
For: PERVASIVE MEDIA INFORMATION RETRIEVAL SYSTEM

This decision is issued in response to applicant's "Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment" filed 14 January 2009. No petition fee is required.

The petition is accompanied by a copy of the declaration filed on 28 May 2008 in the United States Patent and Trademark Office and requests, in effect, that the copy of the declaration is accepted as a true copy of the declaration filed 28 May 2008. Additionally, applicant included a copy of the postcard receipt submitted with respect to the declaration/power of attorney filing, and such postcard receipt confirms the receipt in the USPTO on 28 May 2008.

A review of the application file reveals that a declaration/power of attorney in compliance with 28 May 2008 was received in the United States Patent and Trademark Office on 28 May 2008. Accordingly, applicant's request that the copy of the declaration filed with the petition is accepted as a copy of the original declaration filed is dismissed as moot, since the original declaration has now been located and placed in the application file. Applicant's petition to vacate the Notification of Abandonment mailed 05 January 2009, however, is **GRANTED**.

In view of the declaration filed 28 May 2008, the Notification of Abandonment mailed 05 January 2009 is hereby **VACATED**.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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NOV 18 2009

OFFICE OF PETITIONS

KEVIN W. CYR
CYR & ASSOCIATES, P.A.
605 U.S. HIGHWAY 169N
SUITE 300
PLYMOUTH, MN 55441

In re Application of	:	
Gladwin S. Das	:	DECISION ON PETITION
Application No. 11/795,736	:	TO WITHDRAW
Filed: August 14, 2008	:	FROM RECORD
Attorney Docket No. 1013-005-NS-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 22, 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 Clise, Billion & Cyr, P.A. was never appointed as power of attorney in the above-identified patent application. The Oath, filed on August 14, 2008 only designates Clise, Billion & Cyr, P.A. as the Correspondence Address. Therefore, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Further, the request to change the correspondence address of record is not accepted in view of Clise, Billion & Cyr, P.A. not having power of attorney. See MPEP §§ 601.03 and 405. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Non-Final Office action mailed July 16, 2009, that requires 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

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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CLISE, BILLION & CYR, P.A.
605 U.S. HIGHWAY 169
SUITE 300
PLYMOUTH, MN 55441

MAILED

OCT 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Gladwin S. Das	:	DECISION ON PETITION
Application No. 11/795,737	:	TO WITHDRAW
Filed: January 27, 2009	:	FROM RECORD
Attorney Docket No. 1013-066-NS-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 22, 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 Clise Billion & Cyr, P.A. 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 Power of Attorney submitted January 27, 2009, signed by an Assignee did not include a Statement under 37 CFR 3.73(b) and was therefore erroneously accepted. Since no proper Statement under 37 CFR § 3.73(b) was submitted the request was improper. Currently, there is no Power of Attorney in the above-identified application. Petitioner is designated only as the Correspondence Address.

All future communications from the Office will be directed solely to the above current address of record until proper instructions have been received.

There is an outstanding Non-Final Office mailed September 14, 2009 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

21 JAN 2009

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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE KY 40202

In re Application of :
BRAY et al. :
Application No.: 11/795,742 : DECISION ON PETITION
PCT No.: PCT/GB06/00245 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 25 January 2006 :
Priority Date: 27 January 2005 :
Attorney Docket No.: RD 454 :
For: PACKAGES :

The petition to revive under 37 CFR 1.137(b) filed 09 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the required response (declaration) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

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IPHORGAN, LTD.
1130 Lake Cook Road
Suite 240
Buffalo Grove, IL 60089

MAILED

MAY 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Pablo Augustin Meouchi Saade	:	
Application No. 11/795,744	:	DECISION ON PETITION
Filed: October 1, 2008	:	TO WITHDRAW
Attorney Docket No. JCV 0054 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael L. Kenaga 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 Pablo Augustin Meouchi Saade at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Pablo Augustin Meouchi Saade**
Insurgentes Sur, No. 933, Colonia Napoles
Mexico City, Estado de Mexico 03810
Mexico

2 4 APR 2008

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Nath & Associates PLLC
112 South West Street
Alexandria VA 22314

In re Application of :
VENNEMANN et al. :
Application No.: 11/795,762 :
PCT No.: PCT/EP06/50465 : DECISION
Int. Filing Date: 26 January 2006 :
Priority Date: 28 January 2005 :
Attorney Docket No.: 28496U :
For: INDOLOPYRIDINES, :
BENZOFURANOPYRIDINES AND
BENZOTHIENOPYRIDINES

This decision is issued in response to applicant's "Request for Corrected Official Filing Receipt" filed in the United States Patent and Trademark Office on 19 February 2008. Additionally, this application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 26 January 2006, applicant filed international application no. PCT/EP06/50465 which claimed a priority date of 28 January 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 August 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 28 July 2007.

On 20 July 2007, applicant filed a transmittal letter for entry into the national stage in the United States of America. Filed with the transmittal letter were, inter alia: the requisite basic national fee; a copy of the international application; and a preliminary amendment

On 31 August 2007, applicant submitted an executed declaration and power of attorney.

On 13 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 31 August 2007.

On 19 February 2008, applicant filed "Request for Corrected Official Filing Receipt."

DISCUSSION

As stated above, applicant submitted a "Request for Corrected Official Filing Receipt" to correct the city of residence of the first inventor, Matthias Vennemann. However, a review of the application reveals that the declaration filed 31 August 2007 is defective.

Section 201.03(II)(B) of the Manual of Patent Examining Procedure states, in part,

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration.

Here, applicant has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains multiple duplicate sheets. (See multiple sheets listing the fourth, fifth, sixth and seventh inventors.) This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

In that an acceptable declaration of the inventor(s) has not been submitted, the application cannot be accepted into the national stage at this time. Accordingly, the "Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) dated 13 February 2008 was mailed in error and is hereby vacated.

As requested, the city of residence for the first inventor has been corrected to KONSTANZ, Germany.

CONCLUSION

Accordingly, the 13 February 2008 Notification of Acceptance of Application is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/795,772	07/20/2007	Kazuyoshi Goan	KOT-0302	6931

7590 12/09/2008

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
KOSLOW, CAROL M	
ART UNIT	**PAPER NUMBER**
1793	
NOTIFICATION DATE	**DELIVERY MODE**
12/09/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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29 AUG 2007

HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

In re Application of	:	
SINGH et al.	:	
Application No.: 11/795,779	:	DECISION ON
PCT No.: PCT/US2005/046982	:	
Int. Filing Date: 21 December 2005	:	PETITION UNDER
Priority Date: 21 December 2004	:	
Attorney Docket No.: P30,176-A USA	:	37 CFR 1.137(b)
For: STABILIZED IODOCARBON COMPOSITIONS	:	

This decision is in response to applicants' submission filed 20 July 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 December 2005, applicant filed international application PCT/US2005/046982 which designated the U.S. and claimed a priority date of 21 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 June 2007.

On 20 July 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 20 July 2007.

As to item (2), applicant submitted the petition fee on 20 July 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventors under PCT Rule 4.17(iv) filed in the international application is not in compliance with 37 CFR 1.497(a)-(b) because it is not executed by all of the inventors.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Takeshi Niitani	: DECISION ON REQUEST FOR
Patent Number	: 7645830	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/795,783	: 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 **346** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NEW YORK, NY 10022

20 AUG 2007

In re Application of
Kraft et al.
Application No.: 11/795,786
PCT No.: PCT/CH05/00655
Int. Filing Date: 08 November 2005
Earliest Priority Date: 09 November 2004
Attorney Docket No.: 102790-254
For: Gas Odorant

DECISION

The petition to revive under 37 CFR 1.137(b) filed 18 July 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration of the inventors compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h)(since the declaration of record has not been executed).

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31 MAR 2008

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2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

In re Application of	:	
FUTA et al.	:	DECISION ON
Application No.: 11/795,871	:	
PCT No.: PCT/JP2006/300510	:	
Int. Filing Date: 17 January 2006	:	
Priority Date: 24 January 2005	:	PETITION UNDER
Attorney Docket No.: 2007_1056A	:	
For: SIGNATURE GENERATION DEVICE AND	:	
SIGNATURE VERIFICATION DEVICE	:	37 CFR 1.181

This decision is in response to the "PETITION IN RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371" filed 26 February 2008, which is being treated as a petition under 37 CFR 1.181, requesting acceptance of a copy of page 88 purportedly filed in the USPTO on 24 July 2007. Applicants have submitted, inter alia, a copy of the 24 July 2007 USPTO stamped itemized postcard receipt.

BACKGROUND

On 24 July 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the English translation of the international application. Applicant, also, indicated that a Declaration was submitted at such time.

On 01 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that "the current translation of the application into English is defective as described below... The last page of English translation stops at paragraph (197). The notice indicated that all items set forth above must be submitted within two months from the date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 26 February 2008, petitioner submitted this petition indicating that the items indicated as omitted, page 88 of the English translation of the specification, was in fact deposited with the USPTO with the original application papers filed on July 24, 2007.

DISCUSSION

Applicant's present petition accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the PTO as indicated in the stamped postcard:

(1) Transmittal to DO/EO/US
(2) An international application comprising 102 pages and 9 sheets of drawings
(3) Executed Declaration
(3) Check in the amount of $2550.00

The postcard lists the above items and bears a USPTO date of stamp as 24 July 2007.

MPEP 503 provides:

> A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that the specification with 102 pages including page 88 was deposited with the U.S. Patent and Trademark Office on 24 July 2007.

Accordingly, the date of receipt for the English translation of the Specification including page 88 is 24 July 2007.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for issuance of a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C.§ 371 date of **24 July 2007**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/26/09

Paper No.: ____

TO SPE OF : ART UNIT 3742

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/795881 Patent No.: 7470878 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

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: _____

_____

_____

_____

_____

_____ 3742
SPE **Art Unit**